

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**OF 1997**

**HELD IN THE CITY OF MONTGOMERY**  
**COMMENCING TUESDAY, FEBRUARY 4, 1997**



**VOL. 2**

**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**





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## **NINETEENTH LEGISLATIVE DAY**

**THURSDAY, APRIL 10, 1997**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Dr. George Coxhead, Pastor, Young Meadows Presbyterian Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Nick Hinton, Saint Paul's School, Mobile, Alabama, and Melanie Wilks, Prattville High School, Prattville, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**COMMUNICATION FROM THE  
SUPREME COURT OF ALABAMA**

OCTOBER TERM, 1996-97  
OPINION OF THE JUSTICES

No. 356

Members of the Senate  
Alabama State House  
Montgomery, Alabama 36130

Dear Senators:

We have received Senate Resolution No. 64, which requests our written opinion as to whether Senate Bill 89, which allows less than unanimous jury verdicts in all civil actions, violates § 11 of the Constitution of Alabama, 1901.

Senate Resolution No. 64 reads as follows:

“Without violating Section 11 of the Constitution and other constitutional safeguards of the right to trial by jury, can the Legislature by law dispense with the historic requirement of a unanimous jury verdict and provide that the verdict in all civil cases tried to a jury shall be the verdict agreed to by not less than nine jurors?”

We answer your question in the negative. Our answer is based upon our reading of the Official Proceedings of the Constitutional Convention of 1901, during which a substantial majority of the delegates rejected an identical proposal that would have provided that three-fourths of the jury in civil actions could render a verdict.

What is now § 11 of the Constitution, to which you refer in your request for an advisory opinion, was presented to the Constitutional Convention of 1901 as § 12. On the 38th day of the Session, July 6, 1901, the Convention considered a minority report that would have provided that “in civil actions three-fourths of the jury may render a verdict.” This minority

report was filed by Delegates Samuel Blackwell, of New Decatur, Morgan County; E. P. Wilson, of St. Stephens, Clarke County; and T. J. Cornwell, of Bessemer, Jefferson County, and, as recorded in 2 Official Proceedings 1677-78, Constitutional Convention of 1901, State of Alabama, it reads as follows:

“The undersigned members of the committee on Preamble and Declaration of Rights do not concur in the foregoing report of the committee so far as it relates to Section 12, Article I, for the following reasons:

“In every relation of life in Alabama, where the result is dependent upon the opinions and decisions of a number of persons, the principle of majority rule governs, with the single exception of a verdict of a jury. Why should a unanimous verdict on a question of fact be required and enforced from a jury? A majority of one vote in this Convention either puts a proposition in the organic law, or rejects it. A majority of one vote in each House of the General Assembly creates, repeals, or modifies a positive law, regardless of the magnitude of the interests involved. A majority of the Senate of the United States ratifies or refuses to consent to a treaty with a foreign power. A majority of the single vote in a half a million in a pivotal State may elect a President of the United States, change the policy of the Government and bring prosperity or ruin to seventy millions of people. And yet the majority of the committee deny that it would be sensible to apply this principle to a verdict of a jury in a civil suit at law. When a judgment is entered on a unanimous verdict, if an appeal is taken to the Supreme Court of the State it can be then finally adjudicated by a bare majority of the Justices. So in the Supreme Court of the United States, five of the Justices against four held the income tax unconstitutional; and in the same court five of the Justices held that Porto Rico was not under the Constitution, and four that it was. Again in all ministerial and executive bodies the majority rules, and the will of the minority must give way to that of the majority when lawfully expressed. For these reasons we think that the provisions authorizing three-fourth of a jury to render a verdict in a civil case should become a part of our Constitution as it is of several other important States of the Union.

"We therefore recommend as a substitute for Section 12, Article I, as reported by the committee, the following:

Art. I, Sec. 12: The right of trial by jury as heretofore enjoyed, shall remain inviolate; but in civil actions three-fourths of the jury may render a verdict.

"Respectfully submitted,

"Samuel Blackwell

"E. P. Wilson

"T. J. Cornwell."

Vol. 2, Official Proceedings, Constitutional Convention of 1901, State of Alabama, pp. 1677-78.

Mr. Blackwell, as one who had signed the report, addressed the convention, arguing, among other things, that there were a lot of mistrials occurring and that "[t]here are cases being tried and constantly, where one party has no hope of a verdict, and yet as the law requires a unanimous jury, if that party can succeed in fixing one member of the jury he can secure a mistrial and a delay which makes it harder to have the witnesses there at a succeeding trial." p. 1678. He further noted the history of the requirement of a unanimous verdict and noted that many other States, by their constitutions, did not require unanimous verdicts in civil cases.<sup>1</sup>

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*'The full text of his argument was as follows:*

*"MR. BLACKWELL — As one of the minority that made this report, I desire to be heard in regard to the matter.*

*"Mr. President, and gentlemen of the Convention, it is a fact that is known without the stating of it to this body that in a great many cases that are constantly being tried in our courts, cases of great importance that consume considerable amount of time, the tendency is growing to have mistrials, and those mistrials frequently result from one may refusing to agree with eleven others. And it is charged in many localities that influences are brought to bear to 'fix' juries in order that mistrials may be had. There are cases being tried and constantly, where one party has no hope of a verdict,*

*and yet as the law requires a unanimous jury, if that party can succeed in fixing one member of the jury he can secure a mistrial and a delay which makes it harder to have the witnesses there at a succeeding trial. As I say frequently those trials are of important cases and there are a great many witnesses and a considerable amount of time consumed and great expense incurred by the county. And yet under our present system, if you can fix it so that one man on the jury will not agree, the whole expense had to be gone over, the whole matter retired and frequently the delay of the retrial renders it impossible to get as many witnesses present as were at the first trial.*

*"Every gentlemen here has seen the growing tendency to have mistrials. Every man knows the expense incurred. While as I say these mistrials are frequently in the larger cases, cases of great importance, any case involving \$20 may be tried by a jury and a mistrial result and in these cases more time and money, multiplying the money many times the amount involved by this requirement of a unanimous verdict.*

*"Now the argument as presented in this minority statement prepared by Mr. Wilson from Clarke, sets forth the case very clearly. In every relation of life in Alabama as it is there stated, where the result is dependent upon the decision of a number, the principle of a majority rules. Then why should we have a unanimous verdict in civil cases?*

*"....*

*"MR. BLACKWELL — ... Why should a unanimous verdict on the question of fact be required and enforced from a trial jury?*

*"There will be no answer to that except the statement that we have had this for a long time, that the present system is time honored, and, therefore, it ought not to be abandoned. If that principle were to govern none of the improvements of the nineteenth century that are demanded by our development ought to*

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*have been recognized and accepted. If everything of antiquity must be preserved and retained, we should have never had the splendid system of electric lighting we have today, but we ought to have retained and should now go back to the old tallow candle. We should go back to the stage coach or the ox team as a means of transportation rather than the splendid system of railways we have today. We should go back to the dug-out and the tom-tom rather than the ocean steamers of today if antiquity alone is what shall recommend a thing to us.*

*"MR. WEATHERLY — Is not the fact that an institution is old some evidence that it is good?"*

*"MR. BLACKWELL — Some evidence that it is good, but no evidence that there is not something better, no evidence that there cannot be an improvement. Men are constantly progressing, mind is constantly developing, surroundings are constantly changing and the result is we adapt our methods to the conditions surrounding us and thus create improvement.*

*"This system made this appearance in England soon after the Norman conquest.*

*"Remember we are not proposing to abolish this system or to apply this amendment to criminal cases. We apply it only to civil cases.*

*"As I say the system of a jury appeared in England soon after the Norman conquest in the [Eleventh] Century, but at that time the jury was not required to be unanimous. Prior to the time of Edward IV, majority verdict had been sufficient. We are not here dealing with the jury system, but simply with a unanimous verdict as to a matter of fact.*

*"Now the jury was originally called to give evidence, and one of the reasons for having a jury of twelve was, as history shows, that that was considered the amount of evidence necessary to establish the guilt or innocence of parties to a very large extent. The jurors were taken from the immediate community in which the offense was committed and were supposed to be entirely*

*familiar with all the facts and issues involved in the trial of the case. As civilization progressed and communities enlarged it became apparent that you got men on the jury now and then who were not competent to give evidence. But they were still legally summoned jurors and when such were brought in it became necessary to go out and get others on the outside as the jurors did not know all the facts.*

*“MR. STEWART — Why not apply this to criminal as well as civil cases?”*

*“MR. BLACKWELL — For the same reason that was suggested by my friend Mr. Ferguson, that it is harder to accomplish a reform that is sweeping than a reform that just touches one little subject. If we had proposed to apply it to all trials, gentlemen would have risen and exclaimed, ‘You are absolutely proposing to try a man where his life is involved with a less number of jurors than heretofore required,’ so we preferred first to say to the gentlemen of the Convention that we are applying it to a \$20 trial rather than to the trial of a man for his life.*

*“... ”*

*“MR. BLACKWELL — Now there are many constitutions that have this provision: Colorado, Florida, Idaho, Iowa, Louisiana, Missouri, Michigan, Montana, Nebraska, New Jersey, North Dakota, Washington and Wyoming, and I think there are some others.*

*“Some gentlemen cite us in opposition to our contention to sections of the United State Constitution, but those sections do not apply to the State courts and the State Constitutions can absolutely fix any number that they feel inclined to as a jury. The number of jurors is limited in these States I have just mentioned. In Montana, in civil cases two-thirds of the jury can render a verdict. In Idaho in all cases of misdemeanors five-sixths can render a verdict. In Iowa the legislature may authorize a verdict by less than twelve jurors in any of the inferior courts of the State.*

*“As I say, some have objected to this, claiming*



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*there is some conflict with the rights guaranteed by the Constitution of the United States. But the rights not delegated to the United States by the Constitution nor prohibited by the States are reserved to the States, and while the first six or seven amendments to the Constitution of the United States concede the right of trial by jury ... they are not to be understood as restricting the powers of the States and the States if they choose can provide for trials for all offenses against the State.*

*"MR. BULGER — Does this section reported by the Committee prevent the legislature from providing for a majority vote?*

*"MR. BLACKWELL — Yes. Heretofore the opinion has been that where no number was mentioned a jury meant twelve and that is unquestionably the result of everything that I have read on that subject.*

*"MR. BOONE — Has it not been decided by the Supreme Court of the United States that the first ten amendment to the Constitution of the United States apply to Federal power and not to States[?]*

*"MR. BLACKWELL — We are not talking about Federal power in this matter.*

*"MR. BOONE — But I say that is the limitation upon Federal power and not the power of the State, so that the State has the power to make this amendment?*

*"MR. BLACKWELL — There are cases in which juries are not used now, such as contempt of court and it is doubtful if a jury is aright in a contested election case as shown in our Alabama decisions and in damages to property taken for the public, the party is not entitled under many decisions to a trial by jury unless the Constitution of the State provides a tribunal for that purpose. The courts have said, where they have held that, that it is no more essential to have unanimity than the common law qualifications of jurors which have been continued in force."*

Delegate Charles P. Beddow, of Birmingham, Jefferson County, rose "to endorse the report of the minority of this committee" and argued in favor of the minority report, contending that in Alabama "in all lines and in all departments of life great progress has been made except in this one feature of our government—trial by jury," and that "[a] number of States have already made some progress along this line, but Alabama is still in the rear."<sup>2</sup>

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<sup>2</sup>*The full text of Mr. Beddow's debate was as follows:*

*"MR. BEDDOW — I rise to endorse the report of the minority of this committee. As the gentleman who has just taken his seat has truly said, in all lines and in all departments of life great progress has been made except in this one feature of our government — trial by jury. A number of States have already made some progress along this line, but Alabama is still in the rear.*

*"MR. BOONE — She has not had the opportunity.*

*"MR. BEDDOW — This is the first opportunity she has had. As I say, great progress has been made along all lines except this. I know there are gentlemen in this Convention who will say that the trial by a jury of twelve men is a matter that comes to use from ancient days and is consecrated by precedent and cemented by time, but all this argument has been fully answered by the gentleman who has just taken his seat.*

*"Because a thing is old is no reason why improvement cannot be had. Under that argument, the boy was right who was going to mill with a bag of corn to be ground and in one end of the bag he had corn and in the other a rock. He asked why he didn't put a peck of corn on the other side and carry a half bushel instead of just one peck. He said his father always carried a rock in one of the bag and corn in the other, and he was going to keep that up.*

*"This is the argument that the opposition used. Now we have some great men and some good men who are advocating this doctrine that a majority — even a majority of the jury — shall be able to render a verdict. One of our Justices of the Supreme Court of the United States, David J. Brewer, in a recent lecture to the stu*

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*dents of Yale College advocated the abolition of the system of unanimous verdicts by juries.*

*"Judge A. B. Grace shows the ridiculousness of requiring unanimity in a jury. He says 'This is an error that should not continue to exist. The majority system would practically remove the temptations of bribery. Under our law now one juror can dictate to all of the eleven others or make a mistrial. All a litigant now has to do is to fix one juror. Then he can have one of these mistrials, but with the majority system, he would have to bribe six jurors instead of one to even get a mistrial, which would always most surely leak out, and to get a verdict he would have to bribe seven jurors, and to keep his bribe a secret would be practically impossible.'*

*"Then he calls attention to facts that show the impracticability and the ridiculousness of enlightened States continuing the system of unanimous juries. He says 'In every relation of life in America where the result is made to depend on the opinions and decisions of a number of persons, the principle of majority rule has been adopted with the sole exception of the verdict of a jury.'*

*"A majority of one vote in each house of a General Assembly of Congress suffices to create, repeal or change a positive law, regardless of the magnitude of the interest involved as in the case of a currency bill, a tariff bill or a declaration of war.*

*"A majority in the National Senate ratifies or refuses to consent to a treaty with a foreign power.*

*"A majority of a single vote in half a million in a pivotal State may election a President of the United States, change the entire policy of the Government, and bring prosperity or ruin to 70,000,000 of people. Yet lawyers, good lawyers, honest and patriotic lawyers, will roll their eyes in horror at the very suggestion that it would be sensible to apply the same principle in deciding a replevin suit of a 'tickey' calf or a 'pestle-tiled pony,' and yet again this calf or pony case when it has ascended by appeal from the Justice of the Peace court*

*to the Circuit Court, and thence to the Supreme Court of the State, is decided by a bare majority of the judges, if they should happen to differ.*

*"Mr. President and gentlemen of the Convention, this is no new question. It has been agitated for a hundred years. I hold in my hand Forsyth's History of Trial by Jury, a man known to the entire legal fraternity.*

*"A hundred years ago it was advocated by men like those, that it was ridiculous to adhere to the old principles of unanimity in the verdict of a petit jury.*

*"MR. WEATHERLY — Will the gentleman allow me to ask him a question?*

*"MR. BEDDOW — I decline to yield for questions. I have but ten minutes and I want to talk during that time. The gentleman no doubt will have an opportunity to answer what I have to say.*

*"On page 245 of Forsyth's History of Trial by Jury, he says: 'In a valuable note in his Middle Ages, Mr. Hallam, speaking of the grand principle of Saxon polity, the trial of facts by the country says, from this principle, except as to the preposterous relic of barbarism, the requirement of unanimity, may we never swerve — may we never be compelled in wish to swerve.'*

*"He like myself believed in the verdict of a jury, and it is one of the greatest institutions that the country was ever blessed with, and by this improvement upon it, there can be nothing on earth that can replace it, but with it as it is, it permits one man to corrupt the jury and to throttle the will of eleven.*

*"...*

*"... Under the present system, all that has to be done is that some friend to some lawyer be upon the jury and he will decide with him right or wrong. Some person who has some interest in it, apart from justice and right, may purchase him before he enters upon the trial of the cause. You cannot tell me that is not the*

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*case. We see it every day in the week. In Birmingham not long ago there sat upon a jury a man who had said before the evidence had been heard, and before the charge of the court had been given to the jury, that he had come there for the purpose of hanging the jury, and that he has his money in his pocket, and he was going to sit there to make it a mistrial, unless the case was decided according to the way he desired it decided. The case went to trial, and in that self same case, that man did hang the jury and produce a mistrial, when there were eleven men who had agreed upon the verdict. You tell me that in an enlightened age like this, that cases like that should be permitted? That it should be within the power of such persons to prostitute justice? I say nay, nay, the time has come when we should rise up in our might and purify the jury system, by putting it beyond the reach of corrupt practices to produce mistrials, when justice is on the one side or the other.*

*“Mr. Forsyth further says: ‘when the House of Lords sit as a court of appeal, or as a criminal court to try a peer or in the case of impeachment of a commoner, a bare majority of one is sufficient to determine the judgment, and it may be fairly asked why the rule should be different for twelve jurors, and why if there be a single dissentient amongst them, no verdict can be given?’*

*“And gentlemen of the Convention, as early as seventy years ago, a commission in England, the place we get our jury system, investigated the question of the unanimity of the verdict of the jury, in the year 1830, and in their report at that time they say, ‘it is essential to the validity of a verdict that the jury should be unanimous, and regularly they are not allowed to be discharged unless by the consent of the parties, until such unanimous verdict has been returned. It is difficult to defend the justice or the wisdom of the latter principle. It seems absurd that the rights of a party in question of a doubtful and complicated nature, should depend upon his being able to satisfy twelve persons that one particular state of facts is the true one. As it is notorious that upon such questions a body of men so numerous are often found to differ irreconcilably in their views, it is obvious that the necessity of returning in every*

*case a verdict, and a unanimous one, before they separate, must frequently lead to improper compromise among the jurors of their respective opinions. There is reason also to apprehend that where any of them happen to be actuated by partial motives, it must tend to produce a corrupt verdict. Indeed no one can have been conversant with courts of justices, without frequently having heard the remarks, where the verdict has been very long in suspense, that one or other of the contending parties has a friend upon the jury.'*

*"And acting upon that report, and in the light of the present age, numerous States of this Union have fallen into line and have adopted the salient feature that was recommended by that commission seventy years ago. In concluding this remarks in this chapter, the author says, 'the time is fast approaching, if it has not already come, when trial by jury, like every other part of our legal fabric, will become the subject of the public criticism, and I feel persuaded that then it will be found impossible to justify or retain a rule which is both opposed to justice and expediency.'*

*"Now, Mr. President, and gentlemen of the Convention, in my county there are at least 25 per cent of the cases that go to the jury that result in a mistrial. It amounts to thousands and thousands of dollars to be paid out by the tax payers of this State for no other purpose than of perpetuating a system that has been condemned by the wisest and best men that this or any other nation have ever known. Why should we stand back? We are here for the purpose of amending the Constitution, making it better, building it up, increasing its field of operation, and perfecting a system of law and justice.*

*"If you will make this amendment to this trial by jury, by reducing it in civil cases to three-fourths, instead of the unanimity rule, it will produce great good to your State. It will prevent fraud and corruption in the temples of justice, and under its beneficent influences this State will continue to grow and to prosper and the temple of justice will not be prostituted once where it is a thousand times at present."*

Delegate B. Boykin Boone, of Mobile, Mobile County, argued that the minority report should be adopted and suggested that allowing three-fourths of a jury of 12 to decide an issue of fact would not be any worse than allowing an equity judge to decide similar questions affecting property rights without benefit of a jury. He asked: "Now, why should the Chancellor be able to pass on a question where there are hundreds [of] thousands of dollars involved, and his decision be affirmed by a bare majority of a court, when in a damage suit against a railroad company you have got to have the unanimous verdict of the jury?" Id. 1686. He argued that Alabama could profit by what had been found to be good in other states.<sup>3</sup>

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<sup>3</sup>Delegate Boone argued:

*"Mr. President and Gentlemen of the Convention, I wish to occupy your time only about two or three minutes further, on one suggestion that has not been made in the arguments of the gentlemen that have preceded me. Nearly all of the reasons have been shown why the minority report should be adopted, but one, which it occurs to me is of very great importance, showing, as it does, the system of jurisprudence in Alabama, where certainly as much property, as many rights are involved. This applies only in civil cases as proposed by the minority report, and if the arguments of the opponents of the measure are sound, why should a Chancellor have the power to decide questions involving thousands of dollars' worth of property in equity suits and pass on questions of fact, which are often the main questions in the case, and when an appeal is taken from his decree to the Supreme Court, where the judges also pass upon the facts, should the majority of those judges, three against two, affirm or reverse that decree?"*

*"Now let us look at the progress of the law in Alabama in the equity field: For years it was the law in this State that when the Chancellor rendered a decree on a question of fact, and an appeal was taken to the Supreme Court of Alabama, there was a presumption, mind you, a presumption, indulged in by the Appellate Court in favor of the regularity and the correctness of the decree below. But the Legislature saw there was no reason for that, there was no sense in indulging in that presumption, and that was stricken down and the Supreme Court now tries the case when it comes up*

Another delegate, stating that “a three-quarters majority verdict [might] be too radical a change,” proposed an amendment to the minority report to change “three-quarters” to “five-sixths.” Id. 1686. There was a motion made to table the amendment to the minority report and the minority report, but by a vote of 43 ayes and 43 noes the motion to table was lost and the convention adjourned without further debate on the issue. Id 1689.

When the Convention reconvened on the 39th day, July 8, 1901, the question was on the adoption of the minority report on § 12, which provided that in civil actions three-fourths of the jury might render a verdict. Opponents of the minority report argued strongly against the adoption of the minority report.

Delegate Thomas L. Long, of Jasper, representing what was then the Sixth Congressional District, claimed that the proposal in the minority report was “but a step of some men who are hostile to corporation, in order

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*de-novo. Now, why should this one man, as some one has said on this floor today, this judge, who is but a man, and, as Stephen J. Field said in an opinion once in a case before the Supreme Court of the United States, because he sat on the bench, he did not fail to have the senses, he saw, he heard, and the sentiments, the same views, that a man had, were there with him. He tried to be perfectly impartial and to smother it all out, but he did not cease to be a man. Now, why should the Chancellor be able to pass on a question where there are hundreds [of] thousands of dollars involved, and his decision be affirmed by a bare majority of a court, when in a damage suit against a railroad company you have got to have the unanimous verdict of the jury? I say, gentlemen, that we are in line with this amendment, with progress, with the thoughtful men of all nations, and we should not claim that all the wisdom of the Union is here in Alabama; but we can profit by what has been found to be good in other States, and there is not a single State which has ever adopted this proposition (some of them having adopted it more than forty years ago), that have ever abandoned it, and I do hope that the Convention will adopt the minority report.”*



to get large verdicts and unjust verdicts against corporations in the State of Alabama,”<sup>4</sup> and that “[i]f there [was] merit in this question there should be power given to the Legislature to do this, so if it proves a bad thing it can be undone.”<sup>5</sup> He further commented on jury selection procedures,

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<sup>4</sup> Mr. Long argued:

*“MR. LONG — I am not a corporation lawyer, but I want to talk to this Convention a moment on a plain business proposition. I can see no good reason why three-fourths of the jury should be entitled to allowed to bring in a verdict. We all know very well and we had as well be frank among ourselves that this is but a step of some men who are hostile to corporations, in order to get large verdicts and unjust verdicts against corporations in the State of Alabama. That is true, because I can cite instances, and I have in mind now an instance that happened in a sister county of mine where a preacher riding on a half fare ticket got jolted a little and brought a suit against a railroad company and eleven men wanted to give him a verdict for \$7,500, but no one man alone held that jury and afterwards that preacher gladly compromised the case for \$150, and he was not entitled to one hundred and fifty cents. Now I will tell you what the farmers of the country will think about this. In my humble judgment they will say: Did you know what they have done down there at Montgomery? Another one will say no, I have not heard what they have done. Well they have fixed it so the fellows in town can get a verdict agin us with just nine men. We are poor folks and cannot get but three of our friends on the jury, and those fellows round town know them and can pick the jury agin us. The farmers and people of this State are not clamoring for this. Nobody wants it except men who are hostile and who are out after corporations in this State. This question was not discussed before the people of Alabama. Nobody claimed that we were going to fix a three-quarter clause so far as juries were concerned.”*

Id. 1703.

<sup>5</sup> Delegate Long stated:

which he claimed were harmful, a claim that was echoed by Delegate J. F. Thompson, of Centerville, Bibb County, who represented what was then the Ninth Congressional District.<sup>6</sup>

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*"MR. LONG — ... Here we are asked to give up a system that has existed for centuries. If there is merit in this question there should be power given to the Legislature to do this, so if it proves a bad thing it can be undone. But there is no sensible reason why it should be put in the Constitution of Alabama. The people will rise up and rebuke it, you will invite the hostility of the corporations in Alabama. The farmers themselves will rebuke it, and believers in fair play will rebuke it. I am opposed to the three-quarter clause in the insurance laws of this State, and to the three-quarter clause in the jury laws. Why, when the lawyer comes to select the jurors in a murder case, or in an important case, they select some sap headed fellow who has got nothing himself and wants nobody else to have anything, and put him on the jury. Nine times out of ten you cannot get over three smart men on the jury on an average in this State. You know that is a fact. I have heard arguments made in the jury room myself that so and so has plenty of money, this corporation is rich, this poor fellow is poor, let us take it away from them. Everybody knows that that has happened in the jury box. I think this minority report will do a great deal of harm in Alabama. I want the Convention to look at this thing fair in the face, and ask is it right to put a three-quarter clause in our Constitution which will invite the antagonism of everybody in the State, that wants fair play, corporations and everybody else? The people don't want it, and I hope and believe this Convention will not have it done."*

Id. 1704.

*<sup>6</sup>Delegate Thompson argued similarly that [a]s has been mentioned by the gentleman from Walker [Delegate Long], it is rarely the case in an average county in Alabama that you have over two men out of twelve who are of such intelligence as they can weigh the evidence and apply the charge of the court to it."*

Id. 1705.

Delegate Frank S. White, of Birmingham, who was a State-at-Large delegate to the Convention, answered those who had claimed that the minority report was being "urged by men who want to 'hold up' corporations," and argued that the requirement of having unanimous verdicts should not be preserved just because of its antiquity.<sup>7</sup> James Weatherly, of Birmingham, one of Jefferson County's delegates, responded to Delegate White by stating that requiring unanimity protected those who were unpopular in the community and who otherwise would be oppressed and stating that "corporations are weak in public opinion," but that wealthy persons in a community

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*The text of Delegate White's argument was:*

*"It seems to me that on a matter which should be decided from the stand point of reason, the motives of men on the other side should not be assailed: but it has been said here that it is being urged by men who want to 'hold up' corporations. Forty-three of them voted here who, I am as sure were as patriotic as the gentlemen who voted on the other side. I might just as well and with just as much force say, if I were inclined to do it, though I am not, that the only opposition comes from the corporations, who are afraid of the jury. I say it would be as equally fair for me to say that as for the gentlemen to say what they have said. Now remember this is not an extreme thing. Nine men out of twelve must concur in a verdict. Surely three-quarters of any body united upon one thing carries with it conservatism. It can not be said that is extreme when three-fourths of a body agree to it and must agree to it before a result can be reached; but they tell us it is ancient. I admit that it has around its neck and over its form a cob-web of centuries. It had its birth in the land of our fathers at a time when true men and fair women were carried to the stake and burned for witchcraft. It is just as old as that. Yes, it is ancient. It dates back to a time when tender women and light-bearded men were carried to the scaffold and died because they imagined the death of the king. Imagined the death of the king. Yes, it is ancient. It dates back to a time when men and women were burned at the stake because they would not admit and confess that the bread and wine was the body and blood of the Savior. Yes, it has all of that; but does that make it right? It dates back to that time when it was declared that the king could not do any wrong,*

*yet our ancestors more than 100 years ago said that kings could do wrong: and could do such grave wrongs that it justified a colony in rebellion. Now they say it is ancient. I concede it; but these other things I have mentioned are ancient along with it. Is that your argument? Do you meet the proposition on nothing but that? My friend says it has not been considered by the people. Neither was the proposition which you adopted on Friday, and [refused] to reconsider this morning ever discussed before the people, i.e., that a judge could discharge a jury, or a legislature could authorize him to do it, upon whatever cause the legislature might say they founded it. We have there broken down a provision that stands in every Constitution almost in the American Union and has stood in every Constitution Alabama has ever had. My friend suggests why it took so long after the decision in the Dartmouth College case to reach the proposition that the legislature had the right to amend or repeal a private charter. All these things are hedged about with these ancient things. But I want to put the question to you upon its merits: Why have twelve men all the virtue and it don't abide in one? If there is virtue in the twelve, it must be conceded in the greatest number of things that there is eleven times as much virtue in the eleven as there is in one. Then what right has one man possessed with no more intelligence and with no more knowledge and no better information, what right has he to stand up and thwart the will of the eleven. Now we are advancing. We are in the [new]-day of the Twentieth Century. As civilization and light falls upon the earth, Century. As civilization and light falls upon the earth, men advance. So we only know it is a thing of the past simply because it had its origin in the dark ages. We know, those of us who have practiced law, we know that in many cases one man defeats the will of the eleven, either because he is corrupt, or because he sometimes has been prejudiced by some tale of woe poured into his ear. It is easier to reach one man than three or four. It purifies the channel of justice and the stream that flows from that channel. It makes it practically impossible for a man with money or prejudice to tamper with the jury. He can't tamper with four men. He takes too many chances. Do you think it is as wild a theory as some*

should be entitled to a fair jury trial, to which argument there was a response.<sup>8</sup>

After debating the issue thoroughly, the Convention voted to reject the minority report, by a vote of 81-29, with 45 delegates not voting. Id. 1726-27.

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*our friends would make you believe, when such men as Justice Brewer of the Supreme Court of the United States declared in its favor, and when one of your Supreme Court Justices says it is right? Now let us look at it as thoughtful, reasonable and dispassionate men, without regard to who advocates it or who does not. If it is right, let us keep it there. If it is wrong let us take it away."*

Vol. 2, Official Proceedings, Constitutional Convention of 1901, State of Alabama. pp. 1707-09.

*\*Delegate Weatherly argued, in part:*

*"MR. WEATHERLY: Now, in addition to that, I want to present this fact to this view of this Convention. My own ideas about the real essential value of a jury trial which requires unanimity is this, it protects those who are unpopular in the community and who would otherwise be oppressed under the laws of God; but there is always one man at least can be found who will stand up for the right, though the heavens fall. Talk about corporations. Yes, of course, corporations are weak in public opinion and it is a protection to them; but there are others for the Convention to consider. Any man of wealth in the community may be unpopular, not so much on account of his wealth, but the way he got it. That is not reason why he should not have a fair jury trial. Corporations have the right to exercise the right of eminent domain. They can come to the gentleman of Washington or they can come to you and take your land from you but they would have to pay you for it; but maybe you don't want to give up your land. You go to a jury to try that question; and under this ancient law, which is being ridiculed here today, your rights are protected, because it takes twelve men to say whether or not you shall give it up and how much shall be paid*

*for it. Whereas, under the amendment here proposed, this corporation could go in there and submit its case and on the first consultation nine men out of the 12 would be against you; and they would not reason and they would not deliberate but they want the railroad to come in or the rolling mill to be established or the cotton mill in their midst, they want the public improvement and the whole town is against you and your only protection is the one or two men on that jury.*

*“The time has been, Mr. President and gentlemen of this Convention, when the minority representation on the jury in the Federal Court was worth its weight in gold—in gems of the most priceless value, in the South. Recall the days of reconstruction and you can recall them. When you were before the Federal courts the only barrier that stood between you and utter humiliation was the minority on the jury. If there is anything in the world that inspires—I was almost about to say disgust, but I won’t say that; but it inspires indignation for men to come here and attempt to overthrow an ancient institution having elements in it which were put in it for the express purpose of protecting the weak against the strong. What can we foretell as to what conditions will confront us in this country, especially if we undertake the suffrage law or even if we do not? How can any man predict the conditions that will arise which will require the protection of this jury institution, as we have it now?*

*“MR BURNS — Will the gentleman permit an interruption?*

*“MR. WEATHERLY — I must decline to be interrupted. Mr. President. Now they ridicule it because it is ancient. The gentleman has said that it was contemporaneous with the doctrine that the King could do no wrong, yet the English people cut off Charles First’s head and destroyed that doctrine and left their jury system intact. Why the English people and the system, gentlemen, are ten centuries old. Think of it, one thousand years old; and the English people have progressed and lived upon it. The highest social body in the world today, the English people, and they have gone through their court procedure and reformed them root and branch.*

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*The English system of law is nothing today like it was one hundred years ago. They have changed and reformed it entirely, but no Englishman has dared to lay his hand on this great institution.*

*"You might as well say a jury should be reduced to eight. Why have twelve instead of eight. That would require less deliberation. They would do it quicker but the reason is it was put there for a purpose, it is a goodly number of men and its adds deliberations in the formation of a verdict.*

*"MR. BROOKS — The proposition that two-thirds of a jury may render a verdict is, as has been well stated by the gentleman who has taken his seat, a radical departure from our system of trials; but it is not a new proposition by any means. It has been discussed for many years, and has received the favorable consideration of some of the strongest men in this county. It is an innovation and it is true that innovations are not always improvements, but a blind adherence to a system consecrated by time merely will make it impossible ever to have innovations that are improvements.*

*"Now, the gentlemen who oppose this proposition talk about its overturning the theory and policy of centuries, that it is a removal of the ancient landmarks. But, sir, well settled principles as well settled precedents and customs must sometimes be modified by changed conditions and they must yield to the demand of an enlightened public sentiment. The conversation to reject merely because they overturn precedent and custom handicaps progress, and if we will apply to well settled precedents and customs we may as individuals and as a people if we profit by experience, make stepping stones of our dead selves to better things. When this matter was up for discussion, I listened in vain for argument from those who are opposed to it, and not one word was said in debate. This distinguished convention, which has always been so generous in its views in respect to any matter before it, so far as the opposition to this proposition is concerned, was a dumb as an oyster."*

We have included in this opinion substantial portions of the Convention debates on the issue presented by Senate Bill 89, and after reading and considering these debates on the very issue you inquire about, we are clear to the conclusion that the Constitutional Convention considered and rejected that which is proposed by Senate Bill 89. Consequently, we opine that Senate Bill 89, as written, would violate § 11 of the Constitution of Alabama, 1901.<sup>9</sup>

To paraphrase what Mr. Justice Jones wrote for the Court in Gilbreath v. Wallace, 292 Ala. 267, 292 So.2d 651 (1974), if such a radical restructuring of the judicial process to authorize less than unanimous verdicts is deemed wise or necessary, it must be accomplished by an amendment to Alabama's Constitution.

Respectfully submitted,

PERRY O. HOOPER, SR.,  
Chief Justice.

HUGH MADDOX,  
RENEAU P. ALMON,  
JANIE L. SHORES,  
J. GORMAN HOUSTON, JR.,  
MARK KENNEDY,  
RALPH D. COOK,  
TERRY L. BUTTS,  
HAROLD SEE,  
Associate Justices.

The foregoing Communication from the Alabama Supreme Court, pursuant to SR 64, was read and ordered spread upon the Journal.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

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<sup>9</sup>*For another expression of the will of the people, see Alabama Constitution, Art. VI, § 6.11 (the Judicial Article, ratified December 18, 1973), which states, among other things: "...the right of trial by jury as at common law and declared by Section 11 of the Constitution of Alabama 1901 shall be preserved to the parties inviolate."*



**HB 88.** To amend Sections 40-12-240, 40-12-246, and 40-12-258, Code of Alabama 1975, relating to jitney buses, and to repeal Section 40-12-245, Code of Alabama 1975, to abolish the separate category of jitney buses for licensing and registration purposes.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MOTION TO ADJOURN**

Senator Mitchell moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 15, 1997, at 1 o'clock P.M., which motion was adopted.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 344.** To allow two or more counties to establish a regional jail authority to maintain and operate a regional jail facility, which would serve as the county jail for each county participating in the regional jail authority; and to provide for the composition, terms, and powers of the board of directors of the regional jail authority, including the issuance of bonds by the authority.

PAT LINDSEY,  
Chairperson.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said

committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 53.** To amend Section 36-21-2, Code of Alabama 1975, to provide further for the subsistence allowance for certain law enforcement officers.

PAT LINDSEY,  
Chairperson.

**COMMUNICATION FROM THE  
SUPREME COURT OF ALABAMA**

OCTOBER TERM, 1996-97  
OPINION OF THE JUSTICES

No. 360

Members of the Senate  
Alabama State House  
Montgomery, Alabama 36130

Dear Senators:

We acknowledge receipt of Senate Resolution No. 87, requesting an advisory opinion on the constitutionality of Senate Bill No. 585. Senate Resolution No. 87 and Senate Bill No. 585 read:

“[Senate Resolution No. 87]

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, S. 585, a copy of which is attached to this resolution and made a part hereof by reference:

“Does S. 585 violate any provision of the Constitution of 1901?

“RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, S. 585, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.”

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“A BILL [NO. 585]  
“TO BE ENTITLED  
“AN ACT

“Authorizing the county commission of any county with a Class III municipality to prohibit, by ordinance, topless, bottomless, or nude dancing for monetary consideration and to prescribe penalties to enforce the ordinance.

“BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

“Section 1. The county commission of any county in which a Class III municipality is located may pass an ordinance prohibiting topless, bottomless, or nude dancing for monetary consideration within the boundaries of the county. The ordinance shall be enforced by the Sheriff of the county.

“Section 2. A conviction for a violation of an ordinance passed pursuant to Section 1 of this act shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) and imprisonment in the county jail for not more than six months.

“Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.”

We respectfully decline to answer the question posed. Although Ala. Code 1975, § 12-2-10, permits this Court to answer constitutional questions of a general public nature, “ ‘we may answer only narrow questions directed to specific provisions of the State or Federal Constitution.’ ” Opinion of the Justices No. 341, 632 So.2d 478, 482 (Ala. 1994) (quoting Opinion of the Justices No. 271, 384 So.2d 1056, 1058 (Ala. 1980)). Here, the question posed is not directed to any specific provision of the Alabama Constitution or of the United State Constitution. Accordingly, it is overbroad.

Answer declined.

Respectfully submitted,

PERRY O. HOOPER, SR.,  
Chief Justice

ALVA HUGH MADDUX,  
RENEAU P. ALMON,  
JANIE L. SHORES,

J. GORMAN HOUSTON, JR.,  
MARK KENNEDY,  
RALPH D. COOK,  
TERRY L. BUTTS,  
HOROLD SEE,  
Justices.

Dear Senators:

While I agree that the question posed is overbroad and that we must decline to answer it, I would point out Lanier v. City of Newton, 518 So.2d 40 (Ala. 1987), which permitted a municipality to impose greater restrictions on the display of nudity in establishments that sell alcoholic beverages than were imposed by the general Alabama Alcoholic Beverage Control Board regulation governing the display of nudity in such establishments.

J. GORMAN HOUSTON, JR.  
Justice

The foregoing Communication from the Alabama Supreme Court, pursuant to SR 87, was read and ordered spread upon the Journal.

**COMMUNICATION FROM THE  
SUPREME COURT OF ALABAMA**

OCTOBER TERM, 1996-1997  
OPINION OF THE JUSTICES

No. 358

Members of the Senate  
Alabama State House  
Montgomery, Alabama 36104

Dear Senators:

We have received Senate Resolution No. 63, by which you request our opinion on the constitutionality of House Bill No. 160, a bill now pending before the legislature.

Senate Resolution No. 63 reads as follows:

“BE IT RESOLVED BY THE SENATE OF

THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinion on certain important constitutional questions relating to House Bill 160 (the 'Bill') that is now pending before the House of Representatives and is expected to be considered by the Senate in due course, a copy of which bill accompanies this resolution and is made a part hereof by reference. As a basis for the questions with respect to the Bill posed by this resolution, the Senate understands as follows:

“(i) As an exception to the general laws of the state prohibiting gambling (Code of Alabama 1975, Tit. 13A, Chap. 12, [Art.] 2), the Legislature has reserved the right to authorize pari-mutuel wagering on horse or greyhound racing in such locations as may be provided by statute (Code of Alabama 1975, § 13A-12-31).

“(ii) Section 65 of the Constitution of Alabama of 1901, prohibits the Legislature from enacting laws that authorize lotteries or gift enterprises or schemes in the nature of a lottery.

“(iii) In Opinion of the Justices, 287 Ala. 334, 251 So. 2d 751 (1971), a majority of the Justices of the Supreme Court, in considering whether Section 65 of the Constitution would be violated by the enactment of two bills proposing to authorize pari-mutuel wagering on greyhound racing, expressed the following opinions: (a) the Constitution prevents the Legislature from authorizing a lottery, but it does not prevent the Legislature from authorizing forms of gambling that do not constitute a lottery; (b) since the outcome of a horse or dog race is not determined only by chance, a significant degree of skill is involved in a successful bet on the winning race contestant; and (c) while the amounts won by the winners of a pari-mutuel pool depend upon the participation of other bettors, that factor does not cause the pool to be a lottery because the pari-mutuel system does not determine the winning bettors but only the amounts won by such bettors.

“(iv) In reliance upon the aforesaid Opinion of the Justices, statutes have been enacted which authorize

pari-mutuel wagering on horse racing or greyhound racing at four racetracks now existing in the state.

“The Bill, if enacted into law, would permit any racetrack in the state, whether such racetrack is now existing or may be hereafter established, to conduct skill dependent wagering games (‘skill dependent games’) for profit through the use of video display electronic equipment (‘permitted equipment’). The Bill defines a skill dependent game as follows:

“Any game of chance played by human players on permitted equipment for money or any other form of value in which the outcome of such game, as measured over multiple plays, can be affected by the human players’ application of the principles of probability to the rules of such games and the manner in which the equipment is programmed to play such game.

“Permitted equipment is defined in the Bill as follows:

“Any video display electronic device (EXCLUDING ANY SLOT MACHINE) (i) which, within any given time frame, is used to play a skill dependent game, (ii) which can be played upon payment of a consideration, and (iii) which, by reason of the skill of the player or players and the element of chance, may entitle the player or players to receive a payoff, whether automatically from such equipment or in any other manner.

“The Bill does not identify any particular game that is to be considered a skill dependent game, nor does it identify any particular kind of permitted equipment that may be used to play skill dependent games.

“While not identifying the specific kinds of permitted equipment to be authorized for skill dependent games at racetracks, the Bill, in Section 4(c) thereof, expresses the Legislature’s intent to authorize the use of every kind of video display wagering equipment generically described by the Bill, whether now in existence or becoming available in the future. The Legislature further expresses its intent that the act proposed by the Bill is to be given effect if a single type of permitted equip-

ment, among the variety generically authorized by the Bill, is determined to provide a game that does not constitute a lottery by reason of the degree of player's skill involved in such game or as the result of other conditions relating to the use of such equipment.

"This resolution should not be construed as requesting the Justices of the Supreme Court to express any opinion on whether any particular item of permitted equipment reflects the rules of any particular game and involves the skill of the player in such manner as will prevent the game, as played on that equipment, from being considered a lottery or gambling by lot. It is recognized that such a question could only be definitively answered by raising the question in a litigated case and presenting the record of that case to the Supreme Court for appellate review.

"Based on the foregoing, the Senate of Alabama presents the following constitutional questions concerning the effect of Section 65 of the Constitution on the Bill:

"(1) Can the Bill authorize gambling at racetracks in a form other than pari-mutuel wagering on racing without violating Section 65, provided that the form of gambling so authorized involves a sufficient degree of skill on the part of the player as to prevent such gambling from being a lottery or gambling by lot?

"(2) Recognizing that the outcome of a bet on a horse or greyhound race depends upon both chance and the effect of objective factors (e.g., the breeding and performance record of the racing contestants) anticipated by a skilled bettor, can the involvement of significant player's skill in the manner contemplated by the Bill, when such skill influences the outcome of a game also influenced by chance, prevent such game, as a matter of law, from being gambling by lot in violation of Section 65?

"(3) Recognizing that the individual bettors on racing vary greatly in their knowledge of the racing contestants and their ability to apply their knowledge for predictive purposes, can differences in skill among indi-

vidual players be disregarded in determining, as a matter of law, whether the skill dependent games authorized by the Bill constitute gambling by lot in violation of Section 65?

“(4) Can a player’s knowledge and skillful use of the relative values of the possible hands of the game of poker and the relative probabilities of such hands being dealt influence the outcome of poker to such degree as will prevent such game, as a matter of law, from being gambling by lot in violation of Section 65 of the Constitution?

“(5) If the game of poker is influenced by the skill of the player to such extent that it does not constitute gambling by lot, can the Bill lawfully authorize the use of permitted equipment to play the game of poker if such equipment is designed and programmed to reflect correctly the rules of poker and the relative values and probabilities of the possible hands in poker?

“RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send nine true copies of this resolution, together with copies of the pending Bill, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.”

In essence, Senate Resolution No. 63 seeks this Court’s opinion as to the scope of § 65 of the Alabama Constitution, which provides:

“The legislature shall have no power to authorize lotteries or gift enterprises for any purposes, and shall pass laws to prohibit the sale in this state of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; and all acts, or parts of acts heretofore passed by the legislature of this state, authorizing a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto, are hereby avoided.”

(Emphasis added.)

We preface our discussion of the scope of § 65 by advising, as we have often advised in the past, that the procedure by which this Court renders advisory opinions is fraught with difficulty. One of the problems is that



“the opportunity is not generally available for opposing [persons] to present their respective positions.” Opinion of the Justices No. 280, 417 So. 2d 936, 936 (Ala. 1981). Another difficulty results from the fact that the requests come to us without a body of “pertinent facts ... as is usual in the adversary nature of our judicial system.” Id. “[E]xpressions of opinions, hastily and abstractly considered, may well pose a greater danger of confusion and uncertainty than the exercise of judicial restraint in declining to respond to the questions submitted.” Id. at 937. For these reasons, “the opinions of the individual Justices, promulgated under § 12-2-10, Code of Alabama 1975, are not ... binding.” 417 So. 2d at 937. See also Opinion of the Justices No. 338, 624 So. 2d 107 (Ala. 1993); Opinion of the Justices No. 214, 294 Ala. 589, 319 So. 2d 715 (1975).

The abstractions with which we are often confronted when we consider requests for advisory opinions are particularly prominent in this request, inasmuch as Resolution No. 63 is not “requesting ... any opinion on whether any particular item of permitted equipment reflects the rules of any particular game.” (Emphasis added.) In other words, we are asked to consider the scope of § 65 in purely hypothetical contexts — even in the context of devices that may not currently exist. With these cautionary remarks, we offer the following observations on § 65 and H.B. 160.

Section 65 does not prohibit the legislature from authorizing gambling. Opinion of the Justices No. 205, 287 Ala. 334, 335, 251 So. 2d 751, 753 (1971). It does, not, for example, forbid the legislature from authorizing pari-mutuel betting on horse races, Opinion of the Justices No. 260, 373 So. 2d 278 (Ala. 1979); or dog races, Opinion of the Justices No. 205, 287 Ala. at 336, 251 So. 2d at 754. Section 65 “merely says that the legislature shall not authorize a lottery.” Id. at 335, 251 So. 2d at 753 (emphasis added). Therefore, our discussion necessarily focuses on the definition of that term.

A “lottery,” as we have defined that term, contains the following three elements: “‘(1) [a] prize, (2) awarded by chance, (3) for a consideration.’ ” Id. (quoting Grimes v. State, 235 Ala. 192, 178 So. 73 (1937)). Senate Resolution No. 63 requires us to consider the relationship between chance and skill as bearing on the second element.

As to this relationship, “[l]ot has been correctly defined to be ‘a contrivance to determine a question by chance, or without the action of man’s choice or will.’ ” Loiseau v. State, 114 Ala. 34, 38, 22 So. 138, 139 (1897) (emphasis added). In other words, when “the result of winning is to be determined by the use of a contrivance of chance, in which neither choice nor skill can exert any effect, it is gambling by lot, or a prohibited lottery.” Id. at 38, 22 So. at 139 (emphasis added). In Opinion of the Justices No. 83,

249 Ala. 516, 31 So. 2d 753 (1947), Justice Lawson, in a special opinion, offered the following additional comments:

“In a lottery the winner is determined by lot. Lot or chance is the determining factor and a participant has no opportunity to materially exercise his reason, judgment, sagacity, or discretion. In a horse race the winner is not determined by chance alone, as the condition, speed, and endurance of the horse and the skill and management of the rider are factors affecting the result of the race. The bettor has the opportunity to exercise his judgment and discretion in determining the horse on which to bet. The pari-mutuel method or system of betting on a horse race ... does not affect or determine the result of the race. ... The fact that a bettor cannot determine the exact amount of money he may win at the time he places his bet because the odds may change during the course of betting on a race does not make the betting a mere game of chance, since the bettor can exercise his reason, judgement, and discretion, in selecting the horse he thinks will win. Horse racing, like foot races, boat races, football, and baseball, is a game in which the skill and judgment of man enter into the outcome to a marked degree and is not a game where chance is the dominant factor.”

249 Ala. at 524, 31 So. 2d at 761 (Lawson, J., writing specially and declining to express an opinion) (emphasis added).

In Opinion of the Justices No. 83 Justice Livingston, also writing specially, explained the relationship between chance and skill as follow: “ ‘Chance, as one of the elements of a lottery, has reference to the attempt to attain certain ends, not by skill or any known or fixed rules, but by the happening of a subsequent event, incapable of ascertainment or accomplishment by means of human foresight or ingenuity.’ ” 249 Ala. at 525, 31 So. 2d at 762 (quoting an American Jurisprudence annotation (emphasis added)). “ ‘If merit or skill play any part in determining the distribution,’ ” he continued, “ ‘there is no lottery.’ ” Id. (further quoting the annotation; emphasis added).

Although the views of Justices Lawson and Livingston expressed in their special writings in Opinion No. 83 — that pari-mutuel wagering was not gambling by lot — were not then shared by a majority of this Court, their views were accepted by a majority in Opinion of the Justices No. 205, 287 Ala. 334, 335, 251 So. 2d 751, 753 (1971). Expressing the

opinion that pari-mutuel wagering on dog races was not a prohibited activity, the Court there stated: “No useful purpose would be served by any further elaborations of Justice Lawson’s full discussion of the questions involved which would seem to dictate the conclusion reached by him. We are in full accord with the views expressed by Justice Lawson.” *Id.* at 335, 251 So. 2d at 753.

From the opinion of Justice Lawson and Justice Livingston we understand that “skill” — in the context of activities that may be prohibited by § 65 — is merely the exercise, upon known rules and fixed probabilities, of “sagacity,” which is defined as “quickness or acuteness of sense perceptions; keenness of discernment or penetration with soundness of judgment; shrewdness; [the] ability to see what is relevant and significant.” Webster’s New International Dictionary 2198 (2d ed. (Unabridged) 1953). Thus, an activity that results in an award based upon the exercise of these qualities in conjunction with definite rules and probabilities that can be learned and calculated by the bettor is not prohibited by § 65. It is in this context that we now address the specific questions in Senate Resolution No. 63.

Question one asks whether the Bill can “authorize gambling at race-tracks in a form other than pari-mutuel wagering on racing without violating [§] 65, [if] the form of gambling so authorized involves a sufficient degree of skill on the part of the player as to prevent such gambling from being a lottery or gambling by lot.” (Emphasis added.) This question is posed as though the skills required to operate the contemplated gambling devices would fall on a “spectrum,” or a sliding scale, somewhere between the skills required for “pari-mutuel wagering” and the no skills required for “gambling by lot,” and it further is posed as though the answer would vary, depending on the level of skill involved.

In our view, this is the wrong inquiry. The Bill, itself, provides:

Section 8. Racing Commission Powers. Each racing commission, in addition to the powers that it has under its governing racing act with respect to pari-mutuel racing, shall have the same powers to license, regulate and supervise the conduct of skill dependent games for profit through the use of permitted equipment as it has to license, regulate and supervise racing activities and pari-mutuel wagering thereon....”

(Emphasis added.) The Bill defines a “skill dependent game” as “[a]ny game of chance played ... on permitted equipment ... in which the outcome ..., as measured over multiple plays, can be affected by the human players’ application of the principles of probability to the rules of such games and

the manner in which the equipment is programmed to play such game.” (Emphasis added.) Significantly, the Bill then adds: “Under no circumstances shall the playing of a slot machine be considered a skill dependent game.” (Emphasis added.) It defines “permitted equipment” as equipment that combines “the skill of the player ... and the element of chance.” The purpose of this language is, as we understand it, to draw a sharp distinction between the type of gambling proposed by the Bill and the type prohibited by the constitution.

As we have come to understand the scope of § 65 since Opinion of the Justices No. 205, 287 Ala. 334, 251 So. 2d 751 (1971), we think it is the exercise of some degree of skill that is the sine qua non of compliance with the constitution. Regardless, therefore, of the way question one is posed, we need not speculate on the skills required to operate specific devices, or on where those skills might fall on the above-mentioned spectrum. This is so, because the proposed gambling devices, by definition, require some degree of skill. For these reasons, the devices differ qualitatively — not merely quantitatively — from the essentially mindless operation of a handle on a slot machine. In other words, as long as some degree of skill is required in a gambling activity, that activity differs from a lottery in kind, rather than in degree. In such a case, the issue is not the degree of skill involved, but whether some skill is involved. Therefore, even though question one seems to focus on degrees of skill, we can, and do, confidently answer it in the affirmative.

Questions two and three are very similar. They ask:

“(2) Recognizing that the outcome of a bet on a ... race depends upon both chance and the effect of objective factors ... anticipated by a skilled bettor, can the involvement of significant player’s skill in the manner contemplated by the Bill, when such skill influences the outcome of a game also influenced by chance, prevent such game, as a matter of law, from being gambling by lot in violation of Section 65?

“(3) Recognizing that the individual bettors on racing vary greatly in their knowledge of the racing contestants and their ability to apply their knowledge for predictive purposes, can differences in skill among individual players be disregarded in determining, as a matter of law, whether the skill dependent games authorized by the Bill constitute gambling by lot in violation of Section 65?”

(Emphasis added.)

We are uncertain as to what is here requested. We find particularly puzzling the use in both questions of the phrase “as a matter of law.” Certainly, we understand its meaning in the contexts with which we are familiar. Given the way it is used in this context, however, we are uncertain as to what is intended, and we do not wish to speculate. At any rate, our discussion of question one should prove useful to the legislature in its consideration of questions two and three. For these reasons, we decline to answer question two and three.

We also decline to answer question four. It asks:

“Can a player’s knowledge and skillful use of the relative values of the possible hands of the game of poker and the relative probabilities of such hands being dealt influence the outcome of poker to such degree as will prevent such game, as a matter of law, from being gambling by lot in violation of Section 65 of the Constitution?”

Question four not only suffers the same infirmity that we observed in questions two and three, but it also incorrectly assumes that the members of this Court are all familiar with the rules of the game of poker. Under these conditions, any response we could make as to question four would be speculative at best.

Question five stands on slightly better ground. It asks:

“(5) If the game of poker is influenced by the skill of the player to such extent that it does not constitute gambling by lot, can the Bill lawfully authorize the use of permitted equipment to play the game of poker if such equipment is designed and programmed to reflect correctly the rules of poker and the relative values and probabilities of the possible hands in poker?”

Question five thus asks us to assume that the game of poker is influenced by the skill of the player. Assuming, without deciding, that this is true, we must answer question five in the affirmative, based on our response to question one. Again, we point out that the relevant inquiry should not be what degree of skill is involved in the operation of a “poker device,” but whether skill is involved.

In sum, we answer questions one and five in the affirmative and

decline to answer questions two, three, and four.

Respectfully submitted,

PERRY O. HOOPER, SR.,  
Chief Justice.

RENEAU P. ALMON,  
JANIE L. SHORES,  
J. GORMAN HOUSTON, JR.,  
MARK KENNEDY,  
RALPH D. COOK,  
TERRY BUTTS,  
Associate Justices.

SEE, Justice.

It is my view that a game played upon payment of a consideration must involve a material exercise of skill if it is to avoid the proscription on lotteries imposed by Article IV, § 65, of the Constitution of Alabama of 1901. Section 65 provides:

“The legislature shall have no power to authorize lotteries or gift enterprises for any purposes, and shall pass laws to prohibit the sale in this state of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; and all acts, or parts of acts heretofore passed by the legislature of this state, authorizing a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto, are hereby avoided.”

(Emphasis added.) A “lottery” is a game for consideration in which a prize is awarded by chance. Opinion of the Justices No. 205, 287 Ala. 334, 251 So. 2d 751 (1971) (citing Grimes v. State, 235 Ala. 192, 178 So. 73 (1937)). A game of chance implies the lack of a skill component. Id. The question, of course, becomes: “How significant must the skill component of a game be for the game to avoid being classified as a lottery?” I agree with those Justices signing the main opinion that this is essentially a qualitative, instead of a quantitative, inquiry and that no bright line separates permissible from impermissible degrees of skill. I do not agree with the other Justices’ conclusion, however, that a game for consideration is constitutionally permissible as long as merely “some skill is involved.” \_\_\_ So. 2d at \_\_\_ (emphasis in original).

As today’s main opinion correctly points out, in Opinion of the

Justices No. 205, 287 Ala. at 335, 251 So. 2d at 753, a majority of the Justices adopted Justice Lawson's prior opinion that in a lottery "a participant has no opportunity to materially exercise his reason, judgment, sagacity, or discretion." (Citing Opinion of the Justices No. 83, 249 Ala. 516, 524, 31 So. 2d 753, 761 (1947) (Lawson, J.) (emphasis added)). A majority of the Justices in Opinion of the Justices No. 205, supra, did not, however, adopt the earlier opinion of Justice Livingston, which included the statement, quoted in today's main opinion, that "[i]f merit or skill pay any part in determining the distribution, there is no lottery," Opinion of the Justices No. 83, 249 Ala. at 525, 31 So. 2d at 762 (Livingston, J.) (quoting 34 Am. Jur. p. 649, § 6) (emphasis added in today's main opinion). Justice Livingston's opinion, which was separate and distinct from Justice Lawson's opinion, was not joined by any other Justice. In fact, Justice Livingston merely quoted, but did not apply, the "any part" language from the American Jurisprudence article. 249 Ala. at 525, 31 So. 2d at 762 (Livingston, J.). Until today, no Justice of the Alabama Supreme Court has elevated the American Jurisprudence quotation to constitutional status.<sup>1</sup>

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<sup>1</sup>In fact, in Minges v. City of Birmingham, 251 Ala. 65, 69, 36 So. 2d 93, 96 (1948), Justice Livingston, writing for this Court in an actual case, provided a more complete quote of the relevant passage from American Jurisprudence, as follows:

"Under the English rule, a lottery consists in the distribution of money or other property by chance, and nothing but chance, that is, by doing that which is equivalent to drawing lots. If merit or skill play any part in determining the distribution, there is no lottery. ...In the United States, however, by what appears to be the weight of authority at the present day, it is not necessary that this element of chance be pure chance, but it may be accompanied by an element of calculation or even of certainty; that is sufficient if chance is the dominant or controlling factor. However, the rule that chance must be the dominant factor is to be taken in the qualitative or causative sense, rather than the quantitative sense."

(Quoting 34 Am. Jur. P. 649, § 6) (emphasis added). Thus, it appears that neither Justice Livingston nor the authors of the American Jurisprudence article would apply the English "any part" test to determine whether a game for consideration is a "lottery" in the United States.

The difference between the “material exercise” test of Justice Lawson the previously unadopted “any part” language quoted by Justice Livingston may seem subtle in the abstract, but it could be dramatic in the context of an actual controversy. Although a standard slot machine would easily fail both tests, see Opinion of the Justices No. 205, 287 Ala. at 335, 251 So. 2d at 753, a game simulating a roulette wheel, if labelled a “skill dependent game,” and if it allowed the bettor to start and stop the wheel, might pass the “any part” test, but would probably fail the “material exercise” test. See *id.* (stating that a roulette wheel, like a slot machine, does not involve a skill component and thus constitutes an impermissible lottery) (quoting Utah State Fair Ass’n v. Green, 68 Utah 251, 249 P. 1016, 1030 (1926) (Straup, J., concurring)).

A constitutional provision should be interpreted to give it a “fair and legitimate” meaning. Lockridge v. Adrian, 638 So. 2d 766, 768 (Ala. 1994) (quoting Steele v. County Commissioners, 83 Ala. 304, 305, 3 So. 761, 762 (1888)). The “any part” (arguably, *de minimis*) test eviscerates § 65 and denies it a fair and legitimate meaning. Section 65 should be interpreted to require that a game for consideration possess a material skill component, that is, a genuinely significant and meaningful skill component, to avoid being classified as a lottery.

Although I express no opinion on the wisdom of the Legislature’s authorizing gambling in any form, I would provide a nonbinding<sup>2</sup> affirmative answer to the questions posed by Senate Resolution No. 63 with respect to House Bill No. 160. If the particular facts of a case establish that a “skill dependent game” authorized by House Bill No. 160 generally involves the material exercise of a player’s skill, then the game would not be a proscribed lottery under § 65 of the Constitution of Alabama of 1901.

HAROLD SEE.

MADDOX, Justice.

I agree with the views expressed by Justice See.

HUGH MADDOX.

The foregoing Communication from the Alabama Supreme Court, pursuant to SR 63, was read and ordered spread upon the Journal.

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<sup>2</sup> See Opinions of the Justices, 209 Ala. 593, 594, 96 So. 487, 489 (1923) (stating that advisory opinions are opinions of the individual Justices, not judgments of the Supreme Court, and are thus “nonjudicial” and “nonbinding”).



## INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Lindsey, Mitchell, Figures, Windom, Bedford, Clay, Hale, Butler, Dixon, and Davidson:

**SB 661.** To amend Section 12-17-140 of the Code of Alabama 1975, to provide further for certain qualifications for

supernumerary status for clerks and registers of the district or circuit courts and for certain benefits under the supernumerary system.

Committee on Economic  
Expansion and Trade

By Senator Smitherman (With Notice and Proof):

**SB 662.** To amend Sections 2 and 3 of Act 96-751, 1996 Regular Session, (Acts 1996, p. 1322), to provide for the filling of circuit judgeship numbers 26 and 27 for the Tenth Judicial Circuit, Birmingham Division, by appointment of the Governor, for temporary terms following preclearance of the judgeship positions under Section 5 of the Voting Rights Act of 1965.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 662, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smitherman (With Notice and Proof):

**SB 663.** Relating to Jefferson County; to provide further for the maintenance, operation, and financing of the county law library for the Birmingham Division of the 10th Judicial Circuit; to impose additional court filing fees to the fees presently in effect in the Birmingham Division of the 10th Judicial Circuit of Alabama; to provide for the payment of those funds into the existing Birmingham Division Law Library Fund; and to provide

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that the presiding circuit judge shall administer the Birmingham Division Law Library Fund and public law library.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 663, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Clay (With Notice and Proof):

**SB 664.** Relating to Lee County; authorizing referendum elections to determine whether alcoholic beverages may be sold or dispensed on Sunday within Lee County or any wet municipality in the county.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 664, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bedford (With Notice and Proof):

**SB 665.** Relating to Fayette County; authorizing the Fayette County Commission to levy an additional one-cent sales and use tax for the purpose of financing the acquisition, construction, development, and financing of the Tom Bevill Reservoir Management Area, as well as to provide fire protection services in the county; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date for the additional tax.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 665, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

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By Senator Smith (With Notice and Proof):

**SB 666.** Relating to Etowah County; to amend Sections 2 and 3, Act 95-284, H. 73, 1995 Regular Session, relating to the collection and distribution of the county sales and use tax effective January 1, 1996, to provide for the administration and collection of the tax by either the Etowah County Commission or a private entity; and to provide for annual distribution of the proceeds.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 666, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Ghee (With Notice and Proof):

**SB 667.** Relating to the City of Oxford in Calhoun County; to amend Sections 3 and 12, Act 963, S. 1177, 1975 Regular Session, to include department heads under the city civil service act; and to provide further for the probationary period of employment in the civil service system.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 667, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Dixon:

**SB 668.** Relating to assisted living administrators, to require the licensing of assisted living administrators; to establish a board of examiners for assisted living administrators and provide for the appointment of board members and their duties and functions; to provide for the review of board decisions and authorize the board to receive and expend funds; to provide for the governing body of the Alabama Association of Assisted Living Facilities to serve as an advisory council to the board; to establish procedures for examination, licensing, and reciprocity of licenses for assisted living administrators; to require continuing education for assisted

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living administrators; to authorize the board to conduct disciplinary proceedings, impose fines, and revoke and suspend licenses; and to prescribe penalties for violations of this act.

Committee on Health  
and Human Resources

By Senator Smith:

**SB 669.** To provide for the transfer of a certain amount of accrued and unused sick leave among certain members of the Teachers' Retirement System for the purpose of allowing certain members of the system to satisfy the service credit requirements for retirement; and to provide for a termination date for this act.

Committee on Education

By Senators McClain, Steele, Clay, Smitherman, Escott-Russell, and Figures:

**SB 670.** To transfer records of the Commission to Preserve the Peace and the State Sovereignty Commission to the Birmingham Civil Rights Institute from the Department of Archives and History.

Committee on Conservation, Environment,  
and Natural Resources

By Senators Amari and Adams:

**SB 671.** To provide that any person with two or more convictions of driving under the influence of any substance that impairs the ability of the person to safely operate a motor vehicle and who is subsequently convicted of driving under the influence of any substance that impairs their ability to safely operate a motor vehicle would pay an additional fee for reinstatement of their driver's license; and to provide for a distinctive "driving under the influence" driver's license.

Committee on Health  
and Human Resources

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Townsend, Wren, McKee, and Murphree:

**HB 709.** To amend Sections 1 and 2 of Act 96-692, 1996 Regu-

lar Session, now appearing as Section 27-2-39, Code of Alabama 1975; to further clarify the distribution of proceeds collected by the Commissioner of Insurance for deposit in the Insurance Department Fund, and to provide that the amendment is retroactively effective to October 1, 1996.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 709 - to the Committee on Banking and Insurance

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

**HB 164.** To amend Sections 41-9-340, 41-9-342, 41-9-345, 41-9-347, 41-9-348, 41-9-349, 41-9-351, and 41-9-357, Code of Alabama 1975; to further provide the terms, powers, and duties of the USS Alabama Battleship Commission; to provide the meetings of the commission; to provide for employee benefits; and to provide for the battleship fund.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 164 - to the Committee on Governmental Affairs

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

### **HJR 255.** RELATIVE TO MEETING DAYS.

GREG PAPPAS,  
Clerk.

## REPORTS OF COMMITTEES

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Johnson (R):

**HB 202.** To amend Section 32-6-1 of the Code of Alabama 1975, to extend the renewal time period for a driver's license without further examination from one year to three years.

By Rep. Crigler:

**HB 286.** To amend Section 36-26-23 of the Code of Alabama 1975, relating to promotions; to require the State Personnel Director to keep promotional registers open during studies or reviews for merit positions.

By Rep. Haney:

**HB 291.** Amending Sections 28-3-1, 28-3-168, 28-6-1, and 28-7-2 of the Code of Alabama 1975, so as to alter the percentage of alcohol by volume in the definitions of table wine, fortified wine or vinous liquor, and native farm wine.

By Reps. Carothers and Johnson (R):

**HB 298.** To amend Sections 34-40-3, 34-40-8, and 34-40-14, Code of Alabama 1975, relating to the Alabama Board of Athletic Trainers; providing for the membership on the board; providing for the duties

and responsibilities of the board; providing for the employment of certain individuals; providing for reimbursement of expenses; requirements for the renewal of license; and to authorize grants to develop and promote athletic training programs and continuing education programs for athletic trainers.

By Rep. Wren:

**HB 455.** To amend Section 36-16-8 of the Code of Alabama 1975, relating to the Property Inventory Control Division of the Office of the State Auditor; to reenact the provisions to exempt the property transferred to the Department of Archives and History from being disposed of, transferred, assigned, or entrusted to any other state department, agency, or employee; and to reenact the provisions to exclude historical materials in the custody of the Department of Archives and History from the biannual inventory by the State Auditor.

By Rep. Galliher:

**HB 459.** To amend Section 36-26-36.1, Code of Alabama 1975; to provide that certain members of the state retirement systems have the option of receiving payment for a certain amount of unused sick leave at retirement or converting a certain amount of unused sick leave into membership service for retirement purposes.

By Rep. Venable:

**HB 519.** To amend Section 32-6-64, Code of Alabama 1975, to provide a generic distinctive license plate for passenger cars; to provide a process for approving new distinctive license plate categories without normal legislative bill enactment procedures; to provide minimum subscription requirements; to restrict use of distinctive license plates to passenger cars, pick-up trucks, and certain recreational vehicles only; to establish minimum quantity requirements for generic and distinctive plates; to amend Section 32-6-67 of the Code of Alabama 1975, to establish the functions of the legislative oversight committee; to add Section 32-6-68 to the Code of Alabama 1975 to provide an additional fee and a standard revenue distribution formula; and to provide for an effective date.

By Senators Adams, Armistead, Hill, Smith, Dial, Davidson, Mitchem, Dixon, Lipscomb, Myers, Waggoner, Freeman, Amari, Biddle, Little, and Hale:

**SB 480.** To propose an amendment to the Constitution of Alabama of 1901, to require the approval of two-thirds of all the members of

each house of the Legislature to pass any bill imposing a tax or license fee; and to provide an exception.

(The above Bill was read a second time at length as required by the Constitution.)

By Senator Hale:

**SB 575.** To provide for foreign language interpreters for defendants and witnesses in any criminal or juvenile case; to provide that certain communications between the interpreter and the defendant or witness are privileged; to provide for equipment and services for compliance with the Americans with Disabilities Act [P.L. 101-366] for persons who are parties or witnesses in any case, and to provide for payment for such services, when approved by the courts, in certain cases from the fund within the State General Fund known as "court assessed costs not provided for" or other funds.

By Senator Armistead:

**SB 656.** To amend Section 41-16-120, Code of Alabama 1975, relating to the distribution, transfer, or disposal of state surplus personal property; to provide further for the distribution, transfer, or disposal of surplus personal computers to eligible schools.

Senator Ghee, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee:

**SB 653.** To set aside money from the public school fund for appropriation over the next three fiscal years for technology purchases for the public schools, the Alabama School of Fine Arts, the Alabama School of Mathematics and Science, and the Alabama Booker T. Washington Magnet Arts High School; to provide for the appropriation and disbursement of the funds among the schools; to limit the purposes for which the funds may be used; and to prescribe penalties for violations of this act.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Newton (C):

**HB 707.** Providing for the Uniform Transfer On Death Security



Registration Act; permitting owners of securities to register beneficiaries to whom the ownership of the security shall be transferred upon the death of the owner; providing certain ownership and registering requirements, applicable law, the effect of registering, protection for the registering entity, terms and conditions the registering entity may impose, and illustrations of registration forms.

Senator Butler, Chairperson of the Standing Committee on Small Business and Rural Development, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Haney, Sanderford, Papucci, Allen, Hinshaw, Hawkins, Townsend, Payne, Petelos, Thomas (D), Morton, Rogers (M), Gaines, Curry, Sanderson, McDaniel, Newton (C), Wren, Clouse, and Carothers:

**HB 640.** To amend Sections 40-23-1, as amended by Act 96-887, 1996 Regular Session, 40-23-4, as amended by Act 96-544, 1996 Regular Session, 40-23-60, Code of Alabama 1975, and 40-23-62, as amended by Act 96-544, 1996 Regular Session, to specifically include canned computer software into the definitions of "sales" and "purchase"; to define canned computer software to make it subject to sales tax and use tax; and to exempt computer software for use in research and experimentation from sales and use taxes.

Senator Myers, Chairperson of the Standing Committee on Agriculture and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Willis:

**HB 534.** To amend Section 1-2-11, Code of Alabama 1975, to specify the species of camellia to be designated as the state flower; and to designate a state wildflower.

Senator McClain, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Biddle (With Substitute)

**SB 578.** Proposing an amendment to the Constitution of Ala-

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bama of 1901, authorizing the grant of home rule powers to the governing authority of Jefferson County.

(The above Bill was read a second time at length as required by the Constitution.)

Senator McClain, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator McClain (With Notice and Proof):

**SB 593.** Providing for a board of education for the City of Bessemer; providing that the members of the board shall be elected from defined districts; providing for the selection of a chair; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; and providing certain transitional provisions.

By Senator Smitherman:

**SB 623.** Proposing an amendment to the Constitution of Alabama of 1901, authorizing the grant of home rule powers to the governing authority of the City of Birmingham in Jefferson County.

(The above Bill was read a second time at length as required by the Constitution.)

By Reps. Minnifield and Houston (With Notice and Proof):

**HB 161.** Providing for the election of the board of education of the City of Fairfield; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Fairfield.

By Reps. Minnifield and Johnson (E) (With Notice and Proof):

**HB 309.** Relating to Class 1 municipalities; to provide subject

to voter approval of a referendum election on the subject, for the election of the city board of education from nine single-member districts.

Senator Hale, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Turnham:

**HB 565.** To amend Sections 34-8-1, 34-8-7, and 34-8-9, Code of Alabama 1975, to provide further for the Licensing Board for General Contractors and to provide for a delayed effective date.

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Freeman (With Substitute):

**SB 289.** To provide that certain members of the state retirement systems shall have a one-time option of participating in an early retirement incentive program and receiving payment for a certain amount of accrued or unused sick leave at retirement.

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Freeman:

**SB 611.** Proposing an amendment to the Constitution of Alabama of 1901; authorizing the appropriation of revenues from the cellular radio telecommunications service tax for the payment of principal and interest on the outstanding bonds of the Alabama Revolving Loan Fund Authority or its successor authority.

(The above Bill was read a second time at length as required by the Constitution.)

By Senators Smitherman, Escott-Russell, Figures, McClain, Langford, Freeman, Butler, and Windom:

**SB 622.** To propose an amendment to Amendment 93, as amended by Amendment 354, to the Constitution of Alabama of 1901, to allow the expenditure of certain motor vehicle related fees and taxes for costs related to public transportation.

(The above Bill was read a second time at length as required by the Constitution.)

By Senators Freeman, Little, Bedford, Lindsey, McClain, Biddle, Waggoner, Adams, Poole, and Steele:

**SB 633.** To amend Section 40-18-19, Code of Alabama 1975, to exempt certain retirement allowances from the state income tax.

By Senator Barron:

**SB 646.** To amend Sections 32-13-1 and 32-13-2 of the Code of Alabama 1975; to specify when the owner of private property may declare a vehicle abandoned under certain circumstances when it remains on property maintained by the property owner for use by his or her tenants, residents, or guests; to require the property owner to give notice of the declaration of abandonment to the owner of the vehicle; and to exempt the owner and towing agents from liability except for gross negligence.

By Rep. Wren:

**HB 4.** Creating the General Fund Proration Prevention Act of 1997 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals and repayment.

By Rep. Fuller:

**HB 22.** To amend Sections 26-19-1, 26-19-2, 26-19-3, 26-19-4, 26-19-5, 26-19-7, 26-19-8, 26-19-9, and 26-19-10 of the Code of Alabama 1975, relating to the Missing Children Bureau; to change the name of the Missing Children Bureau to the Alabama Center for Missing and Exploited Children; to authorize ACMEC to maintain data for law enforcement purposes only; to authorize ACMEC to coordinate and provide assistance to state and local public and private nonprofit agencies investigating cases of missing person, exploited children, and unidentified bodies; to authorize ACMEC to assist in the preparation and dissemination of fliers missing persons, exploited children, and their abductors; to authorized

ACMEC to operate a resource center of information regarding prevention of abduction and sexual exploitation of children; to eliminate any waiting period for law enforcement to file reports to ACMEC; to further define a missing Alabama school child; to require the State Board of Education to provide to ACMEC information on students enrolling in Alabama schools for the first time; and to provide that the center would act as a liaison for persons and cases involving exploited children in the same manner as missing children.

By Rep. Houston:

**HB 47.** To authorize the mayor of any municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

By Rep. Gaston:

**HB 385.** To amend Section 22-21-29, Code of Alabama 1975, relating to the inspection of health care facilities, to prohibit advance disclosure of the dates of inspection of health care facilities.

By Reps. Sanderson, Hammett, Hill, Carter, McDaniel, and Petelos:

**HB 655.** Providing for a commercial real estate broker lien; specifying when a claim for lien may be made; providing for the recording of a lien and for notice and the enforcement of a lien in the circuit court; providing for the priority of liens and for the establishment of an escrow account so that a lien may be released; providing for the release, enforcement, or satisfaction of a lien; and providing for a delayed effective date.

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator McClain:

**SB 644.** To establish the crimes of cruelty to animals and of intentional extreme cruelty to animals; and to provide for penalties.

Senator Windom, Chairperson of the Standing Committee on Bank-

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ing and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

**SB 617.** To amend Section 27-7-5, Code of Alabama 1975, relating to the qualifications of an applicant for a license to sell property or casualty insurance, to provide further for an applicant who has a prior felony conviction when the applicant has been fully pardoned.

By Senator Lindsey:

**SB 628.** To authorize the State Treasurer of the State of Alabama to withhold amounts of any one or more gasoline taxes levied by the state to which any county or municipality is otherwise entitled, and to pay such withheld amounts directly to the trustee or paying agent for any securities issued by the county or municipality and secured by a pledge of the tax or taxes, rather than to the county or municipality itself, pursuant to a written agreement between the county or municipality and the State Treasurer; and to provide for compensation to the office of the State Treasurer for providing such service.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial (With Notice and Proof):

**SB 636.** Relating to Clay County; to repeal Act 82-269, H. 736, of the 1982 Regular Session, relating to the administration of absentee voting in the county.

By Senator Dial (With Notice and Proof):

**SB 637.** Relating to Clay County; to repeal Act 79-199, H. 638, of the 1979 Regular Session, relating to the maintenance of private roads in the county.

By Senator Ghee (With Notice and Proof):

**SB 638.** Relating to Calhoun County; abolishing the office of constable.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Notice and Proof) (With Amendment):

**SB 639.** Relating to Calhoun County; establishing the Fort McClellan Development Commission; providing for the composition, terms, duties, and powers of the commission.

By Senator Ghee (With Notice and Proof) (With Amendment):

**SB 640.** Relating to Calhoun County; authorizing the Calhoun County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, and other litter, including discarded tires, within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards and similar establishments; and to provide for the annual license fee for the privilege of operating a junkyard and similar establishments in the unincorporated area of the county under certain conditions.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Notice and Proof):

**SB 641.** Relating to Calhoun County; providing for the distribution of the proceeds of the state excise tax on beer levied pursuant to Chapter 3 of Title 28 of the Code of Alabama 1975; and ratifying and validating distributions of the tax proceeds prior to October 1, 1995.

By Rep. Clouse (With Notice and Proof):

**HB 30.** Relating to Houston County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or un-

claimed firearms; providing for an auction and for the disposition of proceeds.

By Reps. Clouse and Baker (With Notice and Proof):

**HB 713.** Relating to Dale County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; and defining the authority, powers, and duties of the county engineer and county commission.

### COMMITTEE REPORT

Senator Langford, Chairperson of the Standing Committee on Tourism and Marketing, reported that said committee, in session, had acted the Bill, SB 603, and ordered same returned to the Senate with a favorable report, and placed on the calendar.

### REPORTS OF COMMITTEES RESUMED

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator McClain:

**SB 437.** To amend Section 34-21-2, Code of Alabama 1975, to increase the membership on the Alabama Board of Nursing and to provide for the appointment of a consumer member.

By Senators Clay, Adams, Escott-Russell, and Butler:

**SB 606.** To amend Sections 22-21-260, 22-21-261, and 22-21-265, and add Section 22-21-262.1 to Chapter 21 of Title 22, Code of Alabama 1975, regulating hospitals and certain health care facilities; to further provide for a determination of additional beds and to specifically address beds for assisted living facilities.

By Senator Biddle:

**SB 612.** To provide that only a physician may perform an abortion; to require any abortion be performed in a hospital or only by a physician with admitting privileges to a hospital; to provide if not done in a



hospital, anesthesia must be given by a licensed anesthesiologist or licensed certified registered nurse anesthetist; to require certain reporting requirements of abortion or reproductive health centers and for license suspension for failure to report; to provide a basis for professional disciplinary action, injunctive relief, damages and penalties for violations.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedford (With Substitute):

**SB 529.** To add Section 27-50-1 to Title 27, Code of Alabama 1975; to provide for reimbursement or payment by a third party for services performed by certified registered nurse practitioners or certified nurse midwives.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Butler (With Notice and Proof):

**SB 600.** To alter and rearrange the boundary lines and corporate limits of the municipality of Huntsville in Madison County to remove certain property from the corporate limits of the municipality.

By Senator Butler (With Notice and Proof):

**SB 601.** To alter and rearrange the boundary lines and corporate limits of the municipality of Huntsville in Madison and Limestone Counties to remove certain property from the corporate limits of the municipality.

By Rep. Turnham:

**HB 564.** Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs in Lee County and to provide that public officials in the county may participate in the Employees' Retirement System of Alabama.

(The above Bill was read a second time at length as required by the Constitution.)

**RESOLUTION**

Senator Langford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 106.** COMMENDING MRS. CHARLIE MAE HENDERSON FOR HER OUTSTANDING SERVICE WITH THE INTERNATIONAL BROTHERHOOD PROTECTIVE ORDER OF ELKS OF THE WORLD.

WHEREAS, Mrs. Charlie Mae Henderson of Montgomery, Alabama, is commended for her exemplary contributions and dedicated service to the International Brotherhood Protective Order of Elks of the World; and

WHEREAS, working with tireless devotion, she has established an unparalleled record of leadership and involvement in numerous positions with the International Brotherhood Protective Order of Elks of the World; and

WHEREAS, Mrs. Henderson has served as Daughter Ruler of Southern Pride Temple #644 with highest honors and continuous perseverance for the past fifteen years; and

WHEREAS, she also has demonstrated extraordinary leadership ability with the Montgomery School Patrol Office while protecting the lives of children at school crossings for 25 years; and

WHEREAS, married to her supportive and loving husband, Charles Henderson, for 43 years, they are the proud parents of two children, Maichael and Vickie; and the doting grandparents of 10 grandchildren, Jermaine, Obie, Jumene, Cortez, Modia, Ryan, Michelle, Anthony, Antoina, and Ruby; and

WHEREAS, as an expression of our tribute and esteem, Mrs. Charlie Mae Henderson is hereby commended for her noble contributions and unexcelled service with the International Brotherhood Protective Order of Elks of the World; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Charlie Mae Henderson is indeed recognized for her invaluable and outstanding service with the International Brotherhood Protective Order of Elks of the World, and that a copy of this resolution be presented to her as a token of our respect and best wishes.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

**REPORT FROM RULES**

Senator Lindsey, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 242.** SPECIFYING THE LEGISLATIVE INTENT OF ACT 95-389.

WHEREAS, the Alabama Legislature passed HB-65 which later became Act 95-389 on July 12, 1995; and

WHEREAS, the act specifically states that the Director of the Department of Public Safety shall be responsible for the disposal of any Department of Public Safety law enforcement vehicles and that the vehicle(s) shall be sold at auction or by a negotiated sale with any other state department or agency; and

WHEREAS, all proceeds from sales made pursuant to Act 95-389, shall be paid into the Public Safety Motor Vehicle Replacement Fund for the purchase of equipment and equipment shall include motor vehicles and related equipment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that with the enactment of Act 95-389, the Legislature intended that vehicles and any related equipment, loose or attached, which includes but not limited to the wheels, tires, parts, parts related to the make and model of vehicle, and any extras such as two-way radios that may have been added after the original purchase, be sold by the Department of Public Safety as long as all proceeds are spent according to this act.

RESOLVED FURTHER, that a copy of this resolution be sent to the Director of the Department of Public safety.

On motion of Senator Lindsey, said Resolution, HJR 242, was concurred in and adopted by the Senate.

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 241.** SPECIFYING THE LEGISLATIVE INTENT OF ACT 95-389

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WHEREAS, the Alabama Legislature passed HB-65 which later became Act 95-389 on July 12, 1995; and

WHEREAS, the act specifically states that the Director of the Department of Public Safety shall be responsible for the disposal of any Department of Public Safety law enforcement vehicles and that the vehicle(s) shall be sold at auction or by a negotiated sale with any other state department or agency; and

WHEREAS, all proceeds from sales made pursuant to Act 95-389, shall be paid into the Public Safety Motor Vehicle Replacement Fund for the purchase of equipment and equipment shall include motor vehicles and related equipment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that with the enactment of Act 95-389, the Legislature intended that vehicles and any related equipment, loose or attached, which includes but not limited to the wheels, tires, parts, parts related to the make and model of vehicle, and any extras such as two-way radios that may have been added after the original purchase, be sold by the Department of Public Safety as long as all proceeds are spent according to this act; therefore,

BE IT FURTHER RESOLVED, that it is the intent of the Legislature that the Director of Public Safety may give priority and negotiate a sale to any county or municipal governing body for law enforcement purposes.

RESOLVED FURTHER, that a copy of this resolution be sent to the Director of the Department of Public safety.

On motion of Senator Lindsey, said Resolution, HJR 241, was concurred in and adopted by the Senate.

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 153. COMMENDING THE GRISSOM HIGH SCHOOL WRESTLING TEAM ON ITS THIRD STRAIGHT CHAMPIONSHIP GAME.**

WHEREAS, it was a phenomenal year for the Grissom High School Wrestling Team, which captured its third straight state championship at the Wallace State Tom Drake Coliseum; and

WHEREAS, under the skillful leadership of Coach Joe Dasaro, the Grissom Wrestling Team, and all of those individuals associated with the team are deserving of special commendation; and

WHEREAS, the unparalleled success of the team is the result of not only the devotion and hard work of the members themselves, but also the support of the student body, the faculty, and the staff; and

WHEREAS, the people in the Huntsville Community can be proud of athletic competitors the caliber of the Grissom High School Wrestling Team, who so admirably represent them in sporting events, and who possess the skill and determination to succeed in their efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Grissom High School Wrestling Team is congratulated for winning its third straight state championship, and that the team members and coaching staff are commended for the exemplary manner in which they have represented their school and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate presentation and display.

On motion of Senator Hale, said Resolution, HJR 153, was concurred in and adopted by the Senate.

Senator Lindsey, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 105. DESIGNATING THE "PURPLE HEART VETERANS' OVERPASS" IN HUNTSVILLE, ALABAMA.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Oakwood Avenue Overpass on U.S. Highway 231 and U.S. Highway 431 in Huntsville, Alabama, also known as the North Memorial Parkway, is hereby designated the "Purple Heart Veterans' Overpass."

BE IT FURTHER RESOLVED, That the Department of Transportation is authorized to implement this resolution by erecting and maintaining appropriate signs and markers.

On motion of Senator Freeman, said Resolution, HJR 105, was concurred in and adopted by the Senate.

## **FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT**

The Senate proceeded to further consideration of the Governor's Appointment of Carolyn Duncan to the University of Montevallo Board of Trustees, having been postponed on the Sixteenth Legislative Day.

On motion of Senator Freeman, the appointment of Ms. Duncan was confirmed by the Senate.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Clay, Denton, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -24

Nays:

- 0

## **RESOLUTIONS**

Senator Little offered the following Senate Joint Resolution, to-wit:

**SJR 107. RECOGNIZING BAMA SOIL SERIES AS THE OFFICIAL STATE SOIL.**

WHEREAS, the Professional Soil Classifiers Association of Alabama adopted a resolution at its 1996 annual meeting recommending the Bama Soil Series as the State Soil; and

WHEREAS, the association is composed of a group of soil classifiers representing the Alabama Cooperative Extension System, the Alabama Agricultural Experiment Station, the USDA-Natural Resources Conservation Service, the Alabama A&M University, private soil consultants, the Board of Registration for Professional Soil Classifiers, and the Alabama Department of Public Health; and

WHEREAS, in addition to the association, the following groups also recommend that the Bama Soil Series be so recognized: The Alabama Soil and Water Conservation Committee and the Alabama Association of Conservation Districts; and

WHEREAS, the Bama Soil Series, which includes fine-loamy, siliceous, subactive, and thermic Typic Paleudults occurs throughout the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bama Soil Series is hereby recognized as the official State Soil for Alabama.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little then offered the following Senate Joint Resolution, to-wit:

**SJR 108.** COMMENDING DR. EDWARD BUNKER TAYLOR FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Dr. Edward Bunker Taylor as recipient of the Beta Theta Pi International Fraternity's prestigious Oxford Cup on November 9, 1996, during ceremonies also marked by the dedication of the new Edward Bunker Taylor Chapter Hall, a recently completed expansion of the Beta Chapter House at Auburn University also built and dedicated in his honor; and

WHEREAS, the Oxford Cup, the fraternity's highest award is bestowed in tribute to achievement of the highest order by a Beta through distinguished service and accomplishment in his chosen field, and Dr. Taylor is one among only 29 Betas to be so honored in its 13 years of existence; and

WHEREAS, over the years, Dr. Taylor has been the impetus behind the Delta Zeta Auburn chapter as its founder in 1964, as its advisor, and as its only chapter counsel for more than 35 years, and, through his generosity of spirit to the benefit of many, remains the primary contributor in its success; of further note, Dr. Taylor has been president of the Beta House Corporation since 1974, and, in tribute to his accomplishments, was the first to be named the Chapter Counselor of the Year by the General Fraternity in 1984, and Auburn Chapter Counselor of the Year in 1988; and

WHEREAS, until his retirement in 1985, Dr. Taylor had been the University's advisor to fraternities and student affairs since 1967; he previously served as assistant professor of textiles (1957-63), and assistant director of engineering extension (1963-66); and

WHEREAS, a native of Southport, North Carolina, Dr. Taylor earned bachelor's degrees from both Davidson College and North Carolina State University, a master's degree from Columbia University, and the Ph.D. from the University of Nebraska; a retired Army Reserve Colonel, Dr. Tay-

lor served more than three years in the Army Air Corps in Okinawa and Japan during World War II, and was awarded the Distinguished Service Medal, Award of Meritorious Service Medal, and three battle stars; he and his wife Helen Bryson Taylor are the loving parents of two daughters, Dr. Betsy Nance and Nancy Loyd, and the devoted grandparents of seven grandchildren; and

WHEREAS, among numerous other career and civic achievements, Dr. Taylor received the honorary Golden Eagle Award of the Alabama Senior Citizens Hall of Fame in 1990, was president of the Faculty Club of Auburn University in 1970, and a member of the Governor's Commission on Physical Fitness; he has been a member and officer in many professional, honorary, college, and civic organizations; served as State Director for Alabama in the American Association of Retired Persons and currently as State Training Coordinator for AARP in Alabama; he also currently serves as a lay leader and Sunday school teacher for Auburn United Methodist Church, and as a member of his District Council of Ministries since 1974; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and achievement, highest commendation is hereby accorded Dr. Edward Bunker Taylor of Auburn, Alabama, for whom a copy of this resolution of sincere regard and esteem shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

### **BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., SB 471, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Dial, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING**

THE BILL:

**SB 471.** Relating to the DeKalb County Commission; to pro-



vide for the election of members of the county commission from single-member districts; and to further provide for the full-time service and compensation of the members and chair of the commission.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Freeman, Ghee, Hale, Hill, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Mitchem, B.I.R, HB 398, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Biddle, Butler, Davidson, Dial, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 398.** Relating to Marshall County; proposing an amendment to the Constitution of Alabama of 1901; to subject the employees of the Office of the Sheriff of Marshall County, except for the chief deputy, to the authority of the Personnel Board of Marshall County.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Butler, Clay, Denton, Dial, Escott-Rus-

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sell, Figures, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, and Windom -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Steele, B.I.R, HB 702, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, McClain, Mitchell, Myers, Poole, Sanders, Smitherman, Steele, Waggoner, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 702.** Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Sumter County Commission to levy a three mill ad valorem tax for fire protection.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Abstaining 1

Yeas:

Senators:

Adams, Bailey, Barron, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Langford, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays: - 0

Abstaining: Senator Little - 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 255. RELATIVE TO MEETING DAYS.**

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**BUDGET ISOLATION RESOLUTION**

Senator Davidson, B.I.R, HB 723, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Ghee, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 723.** Relating to Walker County; proposing an amendment to the Constitution of Alabama of 1901; to subject the employees of the Office of the Sheriff of Walker County, except for the chief deputy, to the authority of the Walker County Civil Service Board.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

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Adams, Bailey, Bedford, Biddle, Butler, Davidson, Dial, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Wagoner -25

Nays: - 0

### **BUDGET ISOLATION RESOLUTION**

Senator Bedford, B.I.R., HB 762, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Myers, Poole, Roberts, Smitherman, Steele, and Windom -25

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 762.** Relating to Marion County; to repeal Act 81-475, H. 883, 1981 Regular Session (Acts 1981, p. 825), which authorized the Marion County Board of Education to set the salary of the superintendent of education in June of 1981.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Dial, Figures, Freeman, Hale, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays: - 0

### **BUDGET ISOLATION RESOLUTION**

Senator Denton, B.I.R., HB 778, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Escott-Russell, Figures, Hill, Lindsey, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 778.** Relating to Lauderdale County; to provide further for compensation to be paid to the License Commissioner.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, and Steele -25

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Smith requested and received permission to suspend the Rules in order to bring up the Bill, SB 542.

Senator Smith, B.I.R., SB 542, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -27

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 542.** To exempt The Bridge, Incorporated, from the payment of all state, county, and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 27 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -27

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman requested and received permission to suspend the Rules in order to bring up the Bill, SB 436.

Senator Freeman, B.I.R., SB 436, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -27

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 436.** Prohibiting the sale, trade, or other rearrangement of any lands within the current boundaries of Monte Sano State Park in Madison County.

was taken up.

Senator Freeman offered the following amendment to the Bill, SB 436, to-wit:

**AMENDMENT TO SB 436**

Amend SB 436 on page 2, line 5 by adding the following after the period(.):

“It is the intent of the Legislature that the Department of Conservation and Natural Resources may expand the geographical size and location of Monte Sano State Park.”

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -27

Nays:

- 0

And said Bill, SB 436, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -27

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Steele, B.I.R., HB 807, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Davidson, Denton, Dial, Figures, Free-

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man, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 807.** Relating to Sumter County; amending Sections 1, 2, and 3 of Act 2464, H. 2846 of the 1971 Regular Session (Acts 1971, p. 3929), as amended by Act 79-730, 1979 Regular Session (Acts 1979, p. 1299), providing for the issuance fee and distribution of the fee for pistol permits issued by the sheriff, to increase the fee and provide further for the distribution of the fee.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedford, Biddle, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom - 25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Steele, B.I.R., HB 808, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Figures, Freeman, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 808.** Relating to Sumter County; to appropriate \$150,000



from certain payments to the county related to fees and charges collected for hazardous waste disposal activities in the county, to be used for the renovation of the county courthouse.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Butler, Davidson, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., SB 426, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Barron, Bedford, Biddle, Butler, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 426.** To allow the City of Gurley in Madison County to establish and provide for historic districts.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Butler, Clay, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Waggoner, and Windom -25

Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 89.** COMMENDING THE TUSCALOOSA ACADEMY GIRLS VARSITY BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 90.** HONORING DR. JOHN T. GIBSON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

**SJR 91.** MOURNING THE DEATH OF BETTY JO BEACH GULLEDGE.

Also:

**SJR 92.** MOURNING THE DEATH OF BETTY JO BEACH GULLEDGE.

Also:

**SJR 93.** URGING THE ALABAMA STATE BOARD OF PHARMACY TO INSTITUTE NECESSARY ACTION TO ALLOW RESPIRATORY THERAPISTS, EMERGENCY MEDICAL TECHNICIANS, AND VOLUNTEER FIRE DEPARTMENTS' EMERGENCY MEDICAL TECHNICIANS TO BE CONSIDERED TRAINED PERSONNEL FOR PURPOSES OF ADMINISTERING MEDICAL OXYGEN.

Also:

**SJR 95.** DECLARING MONROE COUNTY THE LITERARY CAPITAL OF ALABAMA.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 28.** REQUESTING THAT THE BALANCED BUDGET AMENDMENT TO THE U.S. CONSTITUTION BE PASSED AND SUBMITTED TO THE STATES FOR RATIFICATION.

Also:

**SJR 79.** MOURNING THE DEATH OF MATTHEW CARL COLLEY, SR., OF TROY, ALABAMA.

Also:

**SJR 81.** SUPPORTING THE INTENTION OF THE ALABAMA STATE BOARD OF EDUCATION TO MERGE THE WALLACE COMMUNITY COLLEGE, DOTHAN, WITH THE ALABAMA AVIATION AND TECHNICAL COLLEGE, OZARK.

Also:

**SJR 82.** COMMENDING RAYMOND ISBELL FOR HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

**SJR 83.** COMMENDING CHIEF LARRY HICKS AS RECIPIENT OF THE 1996 FRATERNAL ORDER OF POLICE OFFICER OF THE YEAR.

Also:

**SJR 84.** COMMENDING THE RUSSELLVILLE MIDDLE SCHOOL SCHOLAR'S BOWL TEAM FOR OUTSTANDING SCHOLASTIC ACHIEVEMENT.

Also:

**SJR 86.** RECOGNIZING THE HEART OF DIXIE RAILROAD MUSEUM IN CALERA, ALABAMA.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 104.** RECOGNIZING THE U. S. ARMY MISSILE COMMAND AND THE ESTABLISHMENT OF THE U. S. ARMY AVIATION AND MISSILE COMMAND, REDSTONE ARSENAL, ALABAMA.

Also:

**SJR 105.** COMMENDING THE MILITARY AND CIVILIAN EMPLOYEES OF THE UNITED STATES ARMY MISSILE COMMAND.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 97.** URGING THE ALABAMA BOARD OF PARDONS AND PAROLES TO CONDUCT HEARINGS CONCERNING APPLICATIONS FOR A PARDON.

Also:

**SJR 98.** COMMENDING REPRESENTATIVE CURTIS SMITH AS RECIPIENT OF THE MODERN WOODMEN OF AMERICA'S 1997 CITIZEN OF THE YEAR.

Also:

**SJR 99.** DESIGNATING THE ALABAMA ASSOCIATION OF RESOURCE CONSERVATION AND DEVELOPMENT COUNCILS DAY IN ALABAMA ON APRIL 9, 1997.

Also:

**SJR 100.** MOURNING THE DEATH OF DALE SERRANO OF VESTAVIA HILLS, ALABAMA.

Also:

**SJR 102.** COMMENDING MIKE BURTON, JR., FOR OUTSTANDING ACCOMPLISHMENTS.

GREG PAPPAS,  
Clerk.

**BUDGET ISOLATION RESOLUTION**

Senator Bedford, B.I.R., HB 678, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Clay, Davidson, Denton, Dial, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 678.** Relating to Fayette County; authorizing the Fayette County Commission to levy an additional one-cent sales and use tax for the purpose of financing the acquisition, construction, development, and financing of the Tom Bevill Reservoir Management Area, as well as to provide fire protection services in the county; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date for the additional tax.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bedford, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little,

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Mitchell, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and  
Windom - 25

Nays: - 0

**RESOLUTIONS**

Senator Armistead requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 109. RECOGNIZING THE CALERA HIGH SCHOOL BASKETBALL TEAM ON ITS 1996-1997 CLASS 2A STATE CHAMPIONSHIP.**

WHEREAS, Calera High School captured the 1996-1997 Class 2A state Basketball Championship title, which came as a back-to-back accomplishment following its 1995-1996 Class 1A title, which was the first ever state championship in basketball at Calera; and

WHEREAS, playing in the Class 1A division last year, Calera won the Area II Tournament, and the Northeast Regional Tournament on its way to the championship title, finishing the season with a 24-5 record; and

WHEREAS, this year, competing in the Class 2A division, Calera continued its championship style by claiming the Area 10 Tournament and the Northeast Regional Tournament on its way to claiming the state 2A crown and amassing a remarkable record of 32 wins and 3 losses, including a 22-game winning streak culminating with the championship game; and

WHEREAS, both of these state championships were accomplished under the steady and capable coaching of Robert Burdette; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the Calera High School Basketball team on the second of its back-to-back state championships by winning the State 2A title.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Coach Burdette for appropriate presentation and display.

On motion of Senator Armistead, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Armistead then requested and received permission to sus-

pend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 110. COMMENDING CALERA HIGH SCHOOL BASKETBALL HEAD COACH ROBERT BURDETTE.**

WHEREAS, in recognition of his outstanding efforts in coaching Calera High School to back-to-back state basketball championships (1A in 1995-1996 and 2A in 1996-1997), Coach Robert Burdette was named the 1996-1997 State of Alabama Class 2A Coach of the Year; and

WHEREAS, Coach Burdette is only the second basketball coach in Alabama history to win championships in three divisions, 3A in 1992, 1A in 1996, and 2A in 1997; and

WHEREAS, Coach Burdette has been honored by being selected as Coach of the 1996 Alabama All Star Basketball Team and the 1996-1997 Shelby County Coach of the Year, in addition to his current accomplishment as Class 2A Coach of the Year; and

WHEREAS, Coach Burdette is loved, respected, and admired by students, teachers, parents, and sports fans and supporters of Calera High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Coach Robert Burdette on his most recent honor as being named the 1996-1997 State of Alabama Class 2A Coach of the Year, and by copy of this resolution we extend our sincere gratitude and praise for his efforts and accomplishments.

On motion of Senator Armistead, the Rules were suspended and the Resolution was adopted by the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Barron, B.I.R., HB 749, adopted.

Yeas 25 Nays 0  
Abstaining 1

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Butler, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchem,

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Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays: - 0

Abstaining: Senator Little - 1

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 749.** Relating to Jackson County; amending Act 79-349, H. 761, 1979 Regular Session, as amended, relating to the severance tax on coal, to provide further for the tax.

was read a third time at length and passed.

Yeas 25 Nays 0  
Abstaining 1

Yeas:

Senators:

Amari, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays: - 0

Abstaining: Senator Little - 1

**BUDGET ISOLATION RESOLUTION**

Senator Clay, B.I.R., HB 750, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Clay, Davidson, Denton, Dial, Dixon, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 750.** Relating to Barbour County; authorizing the sheriff to



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operate a jail canteen and inmate telephone system and providing for the deposit, distribution, and auditing of the profits; and confirming and ratifying certain prior actions.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Biddle, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Clay, B.I.R., HB 813, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedford, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 813.** Relating to Macon County; to provide for the collection and disposition of special recording fees in the office of judge of probate.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Steele, and Waggoner -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Poole, B.I.R., HB 830, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bedford, Biddle, Butler, Clay, Davidson, Denton, Escott-Russell, Freeman, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, and Steele -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 830.** Relating to Tuscaloosa County; providing that the license commissioner shall void any motor vehicle license when payment for the license is noncollectible.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Freeman, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -25

Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Hall (L):

**HJR 261.** COMMENDING DR. DELBERT W. BAKER AS THE 10TH PRESIDENT OF OAKWOOD COLLEGE.

Also:

By Rep. Parker (T):

**HJR 262.** COMMENDING MALLIE SEARCY ON HER OUTSTANDING SERVICE TO CHRIST EPISCOPAL CHURCH, TUSCALOOSA, ALABAMA.

Also:

By Rep. Carter:

**HJR 263.** COMMENDING THE ATHENS BIBLE SCHOOL BETA CLUB ON ITS 1996 NATIONAL BETA CLUB TALENT CHAMPIONSHIP.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Freeman, the Rules were suspended and the Resolutions, HJR's 261, 262, and 263, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Sims:

**HJR 258.** COMMENDING WAITERS, WAITRESSES, AND OTHER FOOD SERVICE WORKERS.

Also:

By Rep. Layson:

**HJR 259.** COMMENDING ANDREW C. WADE OF CARROLLTON, ALABAMA, AS PRESIDENT OF THE ALABAMA BANKERS ASSOCIATION.

Also:

By Rep. Hall (L):

**HJR 260.** RECOGNIZING DR. DELBERT W. BAKER OF HUNTSVILLE, ALABAMA.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 258, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Freeman, the Rules were suspended and the Resolutions, HJR's 259 and 260, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**SB 458.** Establishing the Alabama Child Support Reform Act of 1997; providing authority for the state Title IV-D agency to order genetic testing, to subpoena information, to obtain access to information from governmental agencies and public utilities, to change payees of support payments, to implement income withholding, and to increase the amount of monthly support payments; providing for quarterly data matches with financial institutions; providing for the seizure of accounts of delinquent obligors; providing for a central disbursement unit for the collection and disbursement of support payments; providing for access to criminal justice information; providing for the suspension of professional, occupational, and recreational licenses of obligors; providing for a central case registry of support orders; providing for the passthrough of the first fifty dollars of child support to the family; providing for income withholding procedures for employers; providing for the admission of evidence and the barring of jury trials for paternity actions; providing for liens against property; requiring social security numbers on official documents and notice to individuals regarding the purpose for the social security numbers on such documents; amending Sections 26-17-10, 26-17-12, 26-17-13, 26-17-20, 26-17-22, 30-3-60, and 30-3-61, Code of Alabama 1975; and amending Sections 1, 2, 3, 5, 6, 7, 8, and 10 of Act 96-563, 1996 Regular Session, now appearing as Sections 30-3-170, 30-3-171, 30-3-172, 30-3-174, 30-3-175, 30-3-176, 30-3-177, and 30-3-179, Code of Alabama 1975.

and pending Bailey amendment to the Smitherman substitute No. 2, as

amended, which said amendment and substitute were offered on the Eighteenth Legislative Day.

On motion of Senator Bailey, said amendment was laid on the table.

On motion of Senator Smitherman, said substitute No. 2, as amended, was laid on the table.

Senator Escott-Russell offered the following substitute for the Bill, SB 458, to-wit:

**SUBSTITUTE FOR SB 458**

A BILL  
TO BE ENTITLED  
AN ACT

Establishing the Alabama Child Support Reform Act of 1997; providing authority for the state Title IV-D agency to order genetic testing, to subpoena information, to obtain access to information from governmental agencies and public utilities, to change payees of support payments, to implement income withholding, and to increase the amount of monthly support payments; providing for quarterly data matches with financial institutions; providing for the seizure of accounts of delinquent obligors; providing for a central disbursement unit for the collection and disbursement of support payments; providing for access to criminal justice information; providing for the suspension of professional, occupational, and recreational licenses of obligors; providing for a central case registry of support orders; providing for income withholding procedures for employers; providing for the admission of evidence and the barring of jury trials for paternity actions; providing for liens against property; requiring social security numbers on official documents and notice to individuals regarding the purpose for the social security numbers on such documents; amending Sections 26-17-10, 26-17-12, 26-17-13, 26-17-20, 26-17-22, 30-3-60, and 30-3-61, Code of Alabama 1975; and amending Sections 1, 2, 3, 5, 6, 7, 8, and 10 of Act 96-563, 1996 Regular Session, now appearing as Sections 30-3-170, 30-3-171, 30-3-172, 30-3-174, 30-3-175, 30-3-176, 30-3-177, and 30-3-179, Code of Alabama 1975.

Senator Amari offered the following amendment to the substitute for the Bill, SB 458, to-wit:

**AMENDMENT TO SUBSTITUTE FOR SB 458**

On page 18, delete line 6 to 11, inclusive, and renumber remaining subdivisions accordingly.

Which was adopted.

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Senator Amari then offered the following amendment No. 2 to the substitute, as amended, for the Bill, SB 458, to-wit:

**AMENDMENT NO. 2 TO SUBSTITUTE, AS AMENDED, FOR SB 458**

On page 19, line 23 delete Section 9 and renumber subsequent sections accordingly.

On motion of Senator Amari, said amendment was laid on the table.

And on motion of Senator Amari, said substitute, as amended, was laid on the table.

Senator Escott-Russell offered the following substitute No. 2 for the Bill, SB 458, to-wit:

**SUBSTITUTE NO. 2 FOR SB 458**

**A BILL  
TO BE ENTITLED  
AN ACT**

Establishing the Alabama Child Support Reform Act of 1997; providing authority for the state Title IV-D agency to order genetic testing, to subpoena information, to obtain access to information from governmental agencies and public utilities, to change payees of support payments, to implement income withholding, and to increase the amount of monthly support payments; providing for quarterly data matches with financial institutions; providing for the seizure of accounts of delinquent obligors; providing for a central disbursement unit for the collection and disbursement of support payments; providing for access to criminal justice information; providing for the suspension of professional, occupational, and recreational licenses of obligors; providing for a central case registry of support orders; providing for the passthrough of the first fifty dollars of child support to the family; providing for income withholding procedures for employers; providing for the admission of evidence and the barring of jury trials for paternity actions; providing for the liability of the parents of a noncustodial teen parent for child support in certain circumstances; providing for liens against property; requiring social security numbers on official documents and notice to individuals regarding the purpose for the social security numbers on such documents; amending Sections 26-17-10, 26-17-12, 26-17-13, 26-17-20, 26-17-22, 30-3-60, and 30-3-61, Code of Alabama 1975; and amending Sections 1, 2, 3, 5, 6, 7, 8, and 10 of Act 96-563, 1996 Regular Session, now appearing as Sections 30-3-170, 30-3-171, 30-3-172, 30-3-174, 30-3-175, 30-3-176, 30-3-177, and 30-3-179, Code of Alabama 1975.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act shall be known and cited as the "Alabama Child Support Reform Act of 1997."

Section 2. When used in Sections 2 to 10, inclusive, of this act, the following words shall have the following meanings:

(1) ACCOUNT. A demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account.

(2) BUSINESS DAY. A day on which state offices are open for regular business.

(3) COMMERCIAL DRIVER LICENSE. A license issued to an individual that authorizes the individual to drive a motor vehicle as part of conducting business.

(4) CONFIDENTIAL INFORMATION. Information provided by a service applicant or recipient or obtained from other sources about him or her which may be released only as required by court order or state or federal law.

(5) COURT. A court of competent jurisdiction or administrative agency having the authority to issue and enforce support orders.

(6) DATA MATCH. An automated process of matching specified information from the financial records of financial institutions with records of the state Title IV-D agency.

(7) DELINQUENT or DELINQUENCY. A support debt or support obligation due and unpaid in an amount equal to or greater than six months support payments as of the date of service of a notice of intent to withhold, restrict use of, suspend, or revoke a license.

(8) DEPARTMENT. The Alabama Department of Human Resources, including the county departments of human resources.

(9) FAILURE TO COMPLY. Failure, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.

(10) FINANCIAL INSTITUTION. A depository institution, as defined in Section 3(c) of the Federal Deposit Insurance Act, 12 U.S.C. §1813(c); an institution-affiliated party, as defined in Section 3(u) of 12 U.S.C. §1813(u); and any federal credit union or state credit union, as de-

fined in Section 101 of the Federal Credit Union Act, 12 U.S.C. §1752, including an institution-affiliated party of a credit union, as defined in Section 206(r) of the Federal Credit Union Act, 12 U.S.C. §1786(r); and any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in the state.

(11) FINANCIAL RECORD. As defined in Section 1101 of the Right to Financial Privacy Act of 1978, 12 U.S.C. §3401.

(12) NONCUSTODIAL PARENT. A parent who does not have the child in his or her care and is responsible for paying support. The term includes an obligor.

(13) NOTICE OF LIEN OR LEVY. An official notice from the state Title IV-D agency of a judicial or administrative lien or levy against a noncustodial parent and requesting that funds of a noncustodial parent be surrendered or transferred to the state Title IV-D agency.

(14) OBLIGEE. Either of the following:

- a. A person to whom support benefits are ordered by the court.
- b. A public agency of this or another state that has the right to receive support payments or otherwise is providing support enforcement services under Title IV-D of the Social Security Act. The term includes the department.

(15) OBLIGOR. A person ordered by a court to make periodic payments for the benefit and support of another person or the parent or alleged parent named in a paternity action.

(16) PROTECTIVE ORDER. Any order issued by a court of this state, a court of another state, or an administrative agency of another state for the purpose of preventing acts of abuse against one party by the other party. The term refers to both ex parte and final orders issued by the court or administrative agency whether obtained by filing an independent action or as a pendente lite order in another proceeding against another party or children of the parties.

(17) RECORDS. Any official document, file, or information system that verifies and records the existence of a divorce decree, support order, paternity order, birth, marriage, or death.

(18) STATE TITLE IV-D AGENCY. The state agency designated to administer the statewide child support program authorized under Title IV-D of the Social Security Act.



(19) SUPPORT or SUPPORT ORDER. Support of a minor child and spousal support when the spousal support is collected pursuant to the requirements of Title IV-D of the Social Security Act. Support order shall mean any order, decree, or judgment for the support of a child, or in the case of an order being enforced pursuant to the requirements of Title IV-D of the Social Security Act, a spouse or former spouse, issued by a court or other entity authorized to issue orders.

(20) UNAUTHORIZED USE OR DISCLOSURE. The release or sharing of information by an employee of the state Title IV-D agency without actual, implied, or apparent authority.

Section 3. (a) The state Title IV-D agency shall enter into agreements with financial institutions doing business in Alabama to develop and operate a data match system, using automated data exchanges to the maximum extent feasible, to provide on a calendar quarter basis the following information to the extent available for each noncustodial parent who maintains an account with the contracting financial institution and who owes past due support as identified by the state Title IV-D agency by name and social security number or other taxpayer identifying information: (i) name, (ii) record address, (iii) social security number or other tax identification number, and (iv) other identifying information that may be a part of the institution's records.

(b) Upon service of a notice of lien or levy from the state Title IV-D agency on a financial institution, the financial institution shall encumber or surrender to the state Title IV-D agency any amounts, up to the amount of the lien or levy, in any accounts with the financial institution in the name of, or available to be withdrawn by, any noncustodial parent who is subject to a child support lien or levy.

(c) The state Title IV-D agency may pay a reasonable fee to a financial institution for conducting a data match, not to exceed the actual costs incurred by the financial institution.

(d) A financial institution shall not be held liable under any federal or state law to any person for disclosure of information to the state Title IV-D agency under this section, or for encumbering or surrendering any assets held by the financial institution in response to a notice of lien or levy issued by the state Title IV-D agency, or for any other action taken in good faith to comply with the requirements of this act.

(e) The state Title IV-D agency may disclose financial records only for the purpose of and to the extent necessary in establishing, modifying, or enforcing a child or spousal support obligation of an individual. No liabil-

ity shall arise to the state Title IV-D agency or any of its employees from any disclosure which results from a good faith but erroneous attempt to comply with this section.

(f) The state Title IV-D agency may impose penalties as established by rules and regulations applicable to penalties promulgated by the state Title IV-D agency for failure of financial institutions to comply with the terms of this section.

Section 4. (a) Subject to due process safeguards, including requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to a judicial tribunal, upon request from the state Title IV-D agency, public and private entities and individuals as specified in this section shall provide information when the state Title IV-D agency has reason to believe that the information provides location information or otherwise assists in the administration of the state's child support enforcement program. The information shall be available only for the purposes prescribed herein.

(b) The state Title IV-D agency shall be provided access to information contained in the following records, including automated access from the governmental entities maintaining the records:

(1) State and local governmental agency records for vital statistics including records of marriage, birth, paternity, death, and divorce.

(2) State and local tax and revenue agency records including information on residence address, employer, income, and assets.

(3) State and local governmental agency records concerning real and titled personal property including motor vehicles.

(4) State and local governmental agency records of employment.

(5) State and local governmental agency records of public assistance, food stamps, Medicaid, and Department of Corrections.

(6) State and local governmental agency records relating to law enforcement including, but not limited to, National Crime Information Center records.

(c) The state Title IV-D agency shall be provided access to state and local governmental or nongovernmental agency records of occupational and professional licenses and records concerning the ownership and control of corporations, partnerships, and other business entities.

(d) The state Title IV-D agency shall be provided information pursuant to an administrative subpoena issued by the Title IV-D agency to a public or private company or agency such as a utility or cable television company; provided that such information sought in the subpoena shall be limited to the address of individuals identified by the agency and the name and address of the employer of such individuals if readily available.

(e) No entity or individual shall be held liable in any civil or criminal action for disclosing any information to the state Title IV-D agency under this section or for any other action taken in good faith to comply with this section.

(f) The recipient of an administrative subpoena shall be permitted up to thirty (30) calendar days to respond to such subpoena.

(g) The state Title IV-D agency may pay a reasonable fee to a private entity or individual for conducting a data match, records search or other efforts to comply with an administrative subpoena. Such fee shall not exceed the actual costs incurred by the private entity or individual.

(f) Any contracts entered into by the Title IV-D agency with any private entity shall reflect the racial, gender, geographic, urban/rural, and economic diversity of the particular county where the services are provided.

Section 5. (a) Any agency charged with the administration of any law concerning the issuance or renewal of a license, certificate, permit, or other authorization to engage in a profession, occupation, or commercial activity shall require all applicants for issuance or renewal of the license, certificate, permit, or other authorization to provide the applicant's social security number to the agency, which agency shall record the social security number on the application and related records maintained by the agency.

(b) All divorce decrees, support orders, and paternity determinations issued, and all paternity acknowledgments made, shall include in the records the social security number of each party subject to the decree, order, determination, or acknowledgement. The social security number of each party subject to a divorce shall be included in the divorce certificate filed in the Office of Vital Statistics.

(c) The social security number of both parties to the marriage shall be collected by those parties issuing a marriage license and shall appear on the license and certificate sent to the Office of Vital Statistics.

(d) The Office of Vital Statistics shall collect the social security number of the deceased individual and place the number on the death certificate.

(e) Any agency charged with the duty to record an individual's social security number shall provide the individual's social security number to the state Title IV-D agency at the agency's request for the purpose of administering the child support program.

Section 6. (a) The state Title IV-D agency shall establish and operate a unit, which shall be known as the State Disbursement Unit, for the collection and disbursement of payments made under support orders as follows:

(1) In all cases being enforced by the state pursuant to Title IV-D of the Social Security Act.

(2) In all cases not being enforced by the state Title IV-D agency in which the support order is initially issued in the state on or after January 1, 1994, and in which the income of the noncustodial parent is subject to withholding under state law.

(b) The State Disbursement Unit shall be operated directly by the state Title IV-D agency or by a contractor responsible directly to the state Title IV-D agency.

(c) The responsibilities of the State Disbursement Unit shall include the following:

(1) Receipt of payments from parents, employers, and other states' agencies, and for disbursements to custodial parents and other obligees, the state agency, and the agencies of other states.

(2) Accurate identification of payments received.

(3) Prompt disbursement of the custodial parent's share of any payment.

(4) Furnishing to any parent, upon request, timely information on the current status of support payments under an order requiring payments to be made by or to the parent, except that in cases described in subsection (a) of this section, the State Disbursement Unit shall not be required to convert and maintain in automated form records of payments kept for cases not subject to Title IV-D of the Social Security Act before July 1, 1997.

(5) Provide one location for employers to which income withholding payments are sent.

(d) The State Disbursement Unit may delay the distribution of col-

lections toward arrearages until the resolution of any timely appeal with respect to such arrearages.

(e) A certified copy of the computer generated report or record from the State Disbursement Unit shall be admissible as evidence pursuant to Rule 902 of the Alabama Rules of Evidence.

Section 7. (a) The state Title IV-D agency shall maintain a central repository of case information, which shall be known as the State Case Registry and shall contain records with respect to:

(1) Each case in which services are being provided by the state Title IV-D agency.

(2) Each support order established or modified in the state on or after October 1, 1998.

(b) The records in the State Case Registry shall use standardized data elements for both parents, such as names, social security numbers and other uniform identification numbers, dates of birth, case identification numbers, and contain other information as federal regulations may require.

(c) Each case record in the State Case Registry with respect to which services are being provided by the state Title IV-D agency and with respect to which a support order has been established shall include a record of the following:

(1) The amount of monthly or other periodic support owed under the order, and other amounts including arrearages, interest, and fees due or overdue under the order.

(2) Any amount described in subdivision (1) that has been collected.

(3) The distribution of the collected amounts.

(4) The birth date of any child for whom the order requires the provision of support.

(5) The amount of any lien imposed with respect to the order.

(d) The state agency maintaining the State Case Registry shall promptly establish and update, maintain, and regularly monitor, case records in the State Case Registry with respect to which services are being provided under the state Title IV-D child support program.

(e) Information from the State Case Registry shall be used to carry out the responsibilities of the Title IV-D child support program. Such usage shall include:

(1) Furnishing to the Federal Case Registry of Child Support Orders information on child support cases recorded in the State Case Registry that is necessary to operate the federal registry as specified by federal regulations.

(2) Exchanging information with the Federal Parent Locator Service for the purposes of location of individuals and the enforcement of orders.

(3) Exchanging such information with agencies of this state and of other states administering federally funded programs, including Temporary Assistance to Needy Families and Medicaid, as necessary to carry out the responsibilities of the child support program and those of the other involved programs.

(4) Exchanging such information with other agencies of the state, agencies of other states, and interstate information networks, as necessary and appropriate to carry out or assist other states to carry out the purposes of the child support program.

Section 8. (a) Provided that no actions are pending before any circuit and district court of this state and/or no court order has been issued involving the same parties or issues, the state Title IV-D agency may take the following actions related to establishment of paternity or to establishment, modification, or enforcement of support orders, without the necessity of obtaining an order from any other judicial or administrative tribunal, and to recognize and enforce the authority of the state Title IV-D agencies of other states of the following actions:

(1) To order genetic testing for the purpose of paternity establishment.

(2) To subpoena any financial or other information needed to establish, modify, or enforce a support order, and to impose penalties for failure to respond to a subpoena.

(3) To require all entities in the state, including for profit, non-profit, and governmental employers, to provide promptly, in response to a request by the state Title IV-D agency of this or any other state administering the Title IV-D child support program, information on the employment, compensation, and benefits of any individual employed by the entity as an

employee or contractor, and to sanction failure to respond to any such request.

(4) Upon providing notice to the obligor, obligee, and the appropriate court, to direct the obligor or other payor to change the payee to the appropriate governmental agency in cases in which support is subject to an assignment in order to comply with eligibility requirements for state assistance, or to a requirement to pay through the state Title IV-D agency.

(5) To order that income withholding be implemented.

(6) To require child support payments by the parents of a noncustodial teen parent; provided that the parents of a noncustodial teen parent may file a petition with the court, in writing, requesting that such minor be relieved from the disability of nonage pursuant to the requirements of Section 26-13-2, Code of Alabama 1975.

(7) In cases in which there is a support arrearage, to secure assets to satisfy the arrearage by intercepting or seizing periodic or lump-sum payments from a state or local agency, including unemployment compensation, worker's compensation, and other benefits; by attaching judgments, settlements, and lottery winnings and other lump-sum payments; attaching and seizing assets of the obligor held in financial institutions; attaching public and private retirement funds; and imposing liens in accordance with Section 9 and, in appropriate cases, to force sale of property and distribution of proceeds.

(8) For the purpose of securing overdue support, to increase the amount of monthly support payments to include amounts for arrearages.

(b) The expedited procedures required under this section shall be subject to due process safeguards, including requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to a judicial tribunal and shall include the following rules and authority, applicable with respect to all proceedings to establish paternity or to establish, modify, or enforce support orders:

(1) Each party to any paternity or child support proceeding shall, subject to privacy safeguards, file with the state Title IV-D agency upon entry of an order, and update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, name, address, and telephone number of employer.

(2) In any subsequent child support enforcement action between

the parties, upon sufficient showing that diligent effort has been made to ascertain the location of a party, state due process requirements for notice and service of process shall be deemed to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the state Title IV-D agency pursuant to subdivision (1).

Section 9. The first fifty dollar (\$50) payment collected periodically which represents monthly support payments shall be paid to the family without affecting its eligibility for assistance or decreasing any amount otherwise payable as assistance to the family during the month.

Section 10. (a) The state Title IV-D agency, by or through any employee, agent, or representative, shall file a notice of a lien against any real or personal property of any noncustodial parent who resides or owns property in this state and owes past due child support payments under 42 U.S.C.A. Section 666(a) (4) as follows: (i) liens against any real property shall be filed in the office of the judge of probate where the real property is located; and (ii) liens against personal property shall be filed in the office of the Secretary of State in the records where Uniform Commercial Code financing statements are filed.

(b) Upon the filing of a notice, a lien shall arise by operation of law and shall serve as notice of the contents from the time of the filing of the notice.

(c) The state shall accord full faith and credit to liens arising from any judicial or administrative action in another state. When the state Title IV-D employee, agent, or representative seeks to enforce a lien or a judicial order, notice shall not be required. The state Title IV-D agency shall not be required to obtain a judgment for an amount certain prior to filing for the enforcement of a lien.

Section 11. The state Title IV-D agency shall establish and enforce rules and regulations applicable to all confidential information handled by the agency designed to protect the privacy rights of the parties, including, but not limited to, the following:

(1) Safeguards against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity or to establish or enforce support.

(2) Prohibitions against the release of information on the whereabouts of one party to another party against whom a protective order with respect to the former party or children of the parties has been entered.



(3) Prohibitions against the release of information on the whereabouts of one party to another party in any case if the state has reason to believe that the release of the information may result in physical or emotional harm to the former party or children of the parties.

Section 12. Sections 26-17-10, 26-17-12, 26-17-13, 26-17-20, 26-17-22, 30-3-60, and 30-3-61, Code of Alabama 1975, are amended to read as follows:

“§26-17-10.

“(a) The causes of action provided by this chapter shall be brought in the juvenile or family court division of the district or circuit court and wherever used in this chapter the word “court” shall mean the juvenile or family court division of the district or circuit court and specifically shall include any district or circuit court judge otherwise sitting in one of these divisions.

“(b) A defendant who resides in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this chapter.

“(c) A person who is a nonresident of this state and who has sexual intercourse in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this chapter with respect to a child who may have been conceived by that act of sexual intercourse. Jurisdiction over a nonresident may be acquired only by personal service of summons outside this state or by certified mail with proof of actual receipt.

“(d) A defendant who resides in this state thereby submits to the jurisdiction of the courts of this state as to a uniform interstate family support action or a uniform reciprocal enforcement of support action filed in this state by an initiating state for the purpose of establishing paternity. If the defendant asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both parties are present at the hearing or if proof required in the case indicates the presence of either or both is not necessary, the court shall adjudicate the issue of paternity. The appropriate provisions of this chapter shall apply to such actions. Upon determination of paternity or nonpaternity, the appropriate sections of the Uniform Interstate Family Support Act or the Reciprocal State Enforcement of Duty to Support Act (§30-4-80 et seq.) shall apply.

“(e) The court shall retain jurisdiction of the cause for the purpose of entering such other and further orders as changing circumstances of the parties may in justice and equity require.

“(f) The complaint for paternity or nonsupport shall be filed in the county in which the child resides or the county in which the defendant resides.

“(g) Process directed to the defendant shall issue forthwith requiring the defendant to file written pleadings to the complaint in the manner prescribed by appropriate court rules. Once service of process is executed, if any defendant fails to file his or her answer or otherwise appear in an action commenced under this section within the time period prescribed by law, the Alabama Rules of Civil Procedures, or as ordered by the court, the court shall enter an order of default against him or her upon proper request and proof of the allegations.

“(h) The court in which the action originated shall determine both the law and the facts without the intervention of a jury. ~~A trial by jury may be had only as provided under Section 26-17-20.~~

“§26-17-12.

“(a) Upon application of the defendant in a paternity proceeding or any other party to the action, the court shall order the mother, child, and defendant to submit to ~~one or more~~ genetic tests to assist the court in determining paternity of the child. The state shall pay the cost of such tests for Title IV-D recipients subject to recoupment from the father if paternity is established. Additional testing may be ordered in any case if an original test result is contested, upon request and advanced payment by the contestant. Whenever the court orders any genetic test to be performed and any of the persons whose genetic sample is to be taken and tested refuses to submit to the test, that fact shall be disclosed upon the trial, unless good cause is shown for not doing so.

“(b) Any tests shall be made by an expert qualified in genetic testing who shall be approved by the court. The expert may be called by the court or any party as a witness to testify to the genetic test results and shall be subject to cross-examination by the parties. The genetic test results may be admitted into evidence by the defendant, the plaintiff, or the state. Genetic testing methods include, but are not limited to, the human leukocyte antigen test. ~~If more than one genetic test is performed and the results are conflicting, none of the genetic test results shall be admissible as evidence of paternity or nonpaternity.~~ The results of any and all genetic tests shall be made available to the court.

“(c) Any objection to the admission into evidence or objection to the reliability of any genetic testing results performed on the parties shall be made in writing by the party contesting the admission at least 15 days prior

to any hearing at which the results may be introduced into evidence. In the event the results of any genetic test are not made available in time for the party to submit a written objection as provided above, the court shall grant a request for continuance of the proceedings to allow the party adequate time to make a proper objection under this section. If the results of any test were available to a party in time for the party to object to the genetic test results within 15 days and no objection was made, or if a request for a continuance is not made prior to or at the hearing as provided in the preceding sentence, the test results shall be admissible into evidence without the need for foundation testimony or any other proof of authenticity or accuracy.

“(d) Compensation of each expert witness shall be paid as the court shall order. The court shall order said compensation to be paid prior to the administration of the genetic test.

“§26-17-13.

“(a) Evidence relating to paternity may include any of the following:

“(1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception.

“(2) An expert’s opinion concerning the statistical probability of the alleged father’s paternity based upon the duration of the mother’s pregnancy.

“(3) Genetic test results, weighed in accordance with evidence, if available, of the statistical probability of the alleged father’s paternity. Genetic test results which indicate a 97 percent or greater probability that the alleged father is the biological or natural father of the minor child shall create a presumption of paternity that the alleged father is in fact the father of the child. This presumption may be rebutted only by clear and convincing evidence.

“(4) Medical or anthropological evidence relating to the alleged father’s paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests.

“(5) All other evidence relevant to the issue of paternity of the child.

“(b) Upon refusal of any witness, including a party, to testify under

oath or produce evidence, or submit to genetic testing, the court may order him to testify under oath and produce evidence, including genetic testing, concerning all relevant facts. If the refusal is upon the ground that his testimony or evidence might tend to incriminate him, the court shall grant him immunity from all criminal liability on account of the testimony or evidence he is required to produce. An order granting immunity bars prosecution of the witness for any offense shown in whole or in part by testimony or evidence he is required to produce, except for perjury committed in his testimony. The refusal of a witness, who has been granted immunity to obey an order to testify or produce evidence shall be punishable as a civil contempt of the court.

“(c) In an action against an alleged father, evidence offered by the alleged father with respect to another man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable time of conception of the child is admissible in evidence only if the alleged father has undergone and made available to the court genetic tests the results of which do not exclude the possibility of the alleged father’s paternity of the child. A man who is identified and is subject to the jurisdiction of the court shall be made a defendant in the action.

“(d) Medical and health care bills for expenses relating to pregnancy, childbirth, or genetic testing performed to obtain evidence of paternity may be submitted as proof of certain support and paternity establishment costs. Bills submitted shall be admissible as evidence without requiring third-party foundation testimony, and shall constitute prima facie evidence of the amounts incurred for services or for genetic testing performed to obtain evidence regarding paternity of the child.

“§26-17-20.

“(a) The State of Alabama, the person on the relation of whom the action is brought or the defendant may appeal from any final judgment rendered under the provisions of this chapter. Appeals shall be taken from the juvenile or family court division of either the district or circuit court to the circuit court for a trial de novo ~~and for a jury trial, if demanded by the appellant or the defendant.~~ On trial de novo, the parties shall not be entitled to a jury trial. Written notice of appeal shall be filed with the clerk of the circuit court within 14 days of the date of the order appealed from or the denial of a post trial motion. The defendant may file a supersedeas bond on appeal to stay enforcement of a support order, but a support order shall continue to accrue during the pendency of the appeal. Any party may appeal to the court of civil appeals pursuant to the Alabama Rules of Appellate Procedure and the Alabama Rules of Juvenile Procedure upon the entry of a final judgment in the circuit court on the trial de novo. If the

appeal is taken by the state, no security for the cost need be given.

“(b) Appeals may be taken from the juvenile or family court division of the district or circuit court directly to the court of civil appeals if there is an adequate record or stipulation of the facts by the parties ~~and the right to a jury trial is waived by all parties entitled thereto~~. Provided, that this subsection shall specifically not be construed as requiring the juvenile and family court divisions of the district and circuit courts to maintain a record of the proceedings brought pursuant to the provisions of this chapter. Written notice of appeal in appeals brought pursuant to this subsection shall be filed within 14 days of the entry of the judgment or order appealed from.

“§26-17-22.

“(a) The natural mother and father of a child born to a woman who was unmarried at the time of birth and had not been married or attempted to be married within 300 days prior to the birth may, at any time and place prior to the child’s 19th birthday, state and acknowledge that they are the natural parents of the child in an affidavit of paternity signed by both parties before a notary public. Before a mother and a putative father sign an acknowledgment of paternity, the mother and the putative father shall be given notice, orally and in writing, of the alternatives to, the legal consequences of, and, if one parent is a minor, any rights afforded due to minority status, and responsibilities that arise from signing the acknowledgment. The affidavit shall be on a form prescribed by rule of court and shall include the Social Security number and current address of each parent, a listing of the rights and responsibilities of acknowledging paternity, including the duty to financially support the child, and instruction for filing the affidavit with the Office of Vital Statistics.

“(b) The affidavit of paternity shall be a legally sufficient basis for establishing an obligation for child support and for the expenses of the mother’s pregnancy and confinement. The affidavit may be admitted as evidence of paternity in any action to establish a support order or an adjudication of paternity.

“(c) Hospitals that have a licensed obstetric care unit or are licensed to provide obstetric services or licensed birthing centers associated with a hospital shall provide to the mother and alleged father, if he is present in the hospital, during the period immediately preceding or following the birth of a child to an unmarried woman in the hospital, all of the following: (1) Written materials about paternity establishment. (2) Form affidavits of paternity for the purposes of subsection (a) above. (3) A written description of the rights and responsibilities of acknowledging paternity. (4) An

opportunity, prior to discharge from the hospital, to speak with a trained person made available through the Department of Human Resources, either by telephone or in person, who can clarify information and answer questions about paternity establishment. The Department of Human Resources shall make materials available without cost to the hospitals. If the mother and father complete the affidavit in the hospital, the hospital shall send the affidavit of paternity to the Office of Vital Statistics with required birth certificate information within five days of the birth of the child. Hospitals may be reimbursed by the Department of Human Resources up to the amount allowable by federal regulations for each completed affidavit. A hospital shall be immune from civil or criminal liability for actions taken pursuant to the requirements of this section.

“(d) The Office of Vital Statistics shall offer the mother and the alleged father paternity acknowledgment services as specified in this section.”

“(d) (e) Notwithstanding any law to the contrary, the an affidavit of paternity completed in accordance with this section shall be accepted by the Office of Vital Statistics for purposes of listing the father’s name on the child’s birth certificate.”

“(e) (f) If a birth certificate has been filed in the Office of Vital Statistics, listing a father of the child, no new birth certificate can be established by the Office of Vital Statistics based on an affidavit of paternity received subsequently by that office unless a determination of paternity has been made by a court of competent jurisdiction or following adoption.”

“(f) The affidavit of paternity shall be released by the Office of Vital Statistics to the Department of Human Resources upon request by the department and payment of any fee required by the Office of Vital Statistics for the purpose of child support enforcement or any other lawful purpose without the necessity of a court order.”

“(g) The affidavit of paternity shall be considered a confidential record and access shall be available in the same manner as birth records. The affidavit of paternity shall not be subject to the provisions of Section 22-9A-12(c) and shall be released by the Office of Vital Statistics to the Department of Human Resources upon request by the department and payment of any fee required by the Office of Vital Statistics for the purpose of child support enforcement or any other lawful purpose without the necessity of a court order.”

“(h) A signed voluntary acknowledgment of paternity completed in accordance with this section shall be considered a legal finding of paternity”

subject to the right of any signatory to rescind the acknowledgment within the earlier of 60 days or the date of an administrative or judicial proceeding relating to the child including a proceeding to establish a support order in which the signatory is a party.

“(i) After the 60-day period, a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact with the burden of proof upon the challenger, and the legal responsibilities, including child support obligations, of any signatory arising from the acknowledgment may not be suspended during the challenge except for good cause shown.

“(j) An acknowledgment of paternity executed in another state under Title IV-D of the Social Security Act shall be entitled to full faith and credit in this state.

“§30-3-60.

“As used in this article, the following terms shall have the following meanings:

“(1) INCOME. Wages, salary, tips, commissions, bonuses, unemployment compensation, workers’ compensation, disability payments, payments pursuant to a pension or retirement program and interest, and any and all money due or payable to a person, the entitlement to which is based upon remuneration for employment, past or present, after the deduction of those amounts required to be withheld by law. Income shall also include any other continuous or periodic income from whatever source whether earned or unearned except as expressly limited by law.

“(2) EMPLOYER. Any person, business, corporation, partnership, company, firm or unit of municipal, county, state, or federal government.

“(3) COURT. Any juvenile or family court division of the circuit or district court in the county where the mother of the child resides or is found, in the county where the father resides or is found, or in the county where the child resides or is found and, in the case of a petition seeking a divorce or legal separation, a petition seeking a modification of support previously ordered under a divorce decree or a petition seeking a contempt citation for failure to pay support previously ordered under a divorce decree, the circuit court or the domestic relations division of the circuit court. Provided, further, in cases involving the enforcement of another state’s order of support within this state, court may mean the courts hereinabove prescribed of the county where the employer is located or is found, and such

term may also mean, when the context requires, the court or agency of another state or jurisdiction outside the state of Alabama whose functions include the issuance and enforcement of support orders.

“(4) CLERK OF THE COURT. Any circuit court clerk, ~~circuit court register~~, district court clerk or juvenile court clerk, or their employees, with responsibility for docketing or otherwise carrying out the court’s clerical duties in regard to domestic relations matters, support and nonsupport cases, including the receipt and disbursement of support payments.

“(5) OBLIGOR. Any person ordered by the court to make periodic payments for the benefit and support of another person or minor child.

“(6) OBLIGEE. Any person for whom support benefits are ordered by the court and shall specifically include the department of human resources when any person has assigned their rights to support payments to the department under any provision of law or when the department is otherwise representing the obligee. Provided, when the context requires, obligee may also include an agency or department of this or another state or jurisdiction to which a person has assigned his or her rights to support.

“(7) DEPARTMENT. The department of human resources of the state of Alabama, including the county department of human resources.

“(8) SUPPORT or SUPPORT ORDER. Support of a minor child and spousal support when such spousal support is collected by the department of human resources or the department’s designee pursuant to the requirements of Title IV-D of the Social Security Act. Support order shall mean any order, decree or judgment for the support of a child, (or in the case of an order being enforced pursuant to the requirements of Title IV-D of the Social Security Act, a spouse or former spouse) issued by a court of this state or, where the context requires, a court or agency of another state or jurisdiction, whether interlocutory or final.

“(9) STATE or JURISDICTION. Such terms shall include any state or subdivision thereof, any possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction in which a similar law is in effect.

“§30-3-61.

“(a) Any provision of Section 8-5-21, to the contrary notwithstanding, any original decree, judgment, or order issued by a court of this state for the payment of support, any decree or judgment entered pursuant to a petition to modify an original decree or award of support, any decree or



judgment of contempt of court for failure to pay support as previously ordered by a court of this state, or any decree or judgment for criminal or civil nonsupport shall include as a separate section a withholding order subject to subsection (c) of this section directing any employer of the obligor to withhold and pay over to the clerk of the court or the Department of Human Resources, or its designee, whichever is appropriate, out of income due or to become due the obligor at each pay period, an amount ordered to be paid for support. The withholding order shall not under any circumstances be waived by mutual agreement of the parties to the case.

“(b) The withholding order shall recite the amount of the obligor’s continuing support obligation and shall require the withholding of the support obligation from the income due or becoming due to the obligor at each pay period and payment to the clerk of the court out of which the order is issued or the department or its designee, whichever is appropriate within ~~40~~ seven business days of the date the obligor is paid the paycheck from which the support is withheld. Provided, if the obligor’s support obligation is ordered to be paid monthly and the obligor’s pay periods are at more frequent intervals, the employer may withhold at each pay period an amount cumulatively sufficient to equal the total monthly support obligation and pay the amount withheld at each pay period over to the clerk of the court or the department or its designee, within ~~40~~ seven business days of the date the obligor is paid the paycheck from which the amount is withheld. The employer shall withhold the obligation amount as directed in the income withholding order, except that when an employer receives an income withholding order issued by another state, the employer shall apply the income withholding law of the state of the obligor’s principal place of employment in determining the following:

“(1) The employer’s fee for processing an income withholding order.

“(2) The maximum amount permitted to be withheld from an obligor’s income.

“(3) The time periods within which the employer is required to implement the income withholding order and forward the obligor’s payment.

“(4) The priorities for withholding and allocating income withheld for multiple child support obligees.

“(5) Any withholding terms or conditions not specified in the order.

“(c) The withholding order shall also recite the duty of the obligor

and the employer to notify the collecting agency of any change in employment or termination of income of the obligor as provided in this article.

~~“(e) (d)~~ A withholding order issued pursuant to this section shall be a continuing order and shall remain in effect and be binding upon any employer upon whom it is served until further order of the court. Where any order of support is entered or modified, the withholding order issued pursuant to this section shall be served immediately upon the obligor’s employer and shall take effect immediately; except immediate withholding shall not be implemented in any case where one of the parties demonstrates, and the court finds, there is good cause not to require immediate income withholding, or a written agreement is reached between both parties which provides for an alternative arrangement. In such cases, income withholding shall be implemented if the absent parent fails to make payments in an amount equal to one month’s support obligation, or the absent parent requests immediate withholding, or the payee or the department requests that withholding begin and the absent parent has failed to make a payment or payments on the ~~date(s) date or dates~~ due.

~~“(d) (e)~~ In the event the obligor becomes delinquent in the support payments in a dollar amount equal to one or more month’s support obligation, or a withholding order entered at the request of the department was not immediately served upon the employer, or at such time as the obligor wishes to have the income withholding order served upon his employer, the obligee or the obligor may file with the clerk of the court a sworn affidavit stating the appropriate basis upon which service of the income withholding order is now being sought. Upon the filing of the affidavit and the payment of a docket fee in the same amount as is prescribed by Section 12-19-75 for the filing of a garnishment proceeding, a copy of the withholding order issued pursuant to this section shall be served upon the employer pursuant to the Alabama Rules of Civil Procedure. A copy shall be served upon the obligor by first class mail. Provided, the cost of the filing shall not be prepaid if, upon the filing of an affidavit of substantial hardship, the obligee or obligor is found by the court to be incapable of prepaying the cost or if the affidavit is filed by the department or a representative of the department, but in such cases the cost of the filing shall be taxed as costs against the obligor at the time service of the order is requested and shall be withheld from the obligor’s first pay period subjected to the income withholding order. Additionally, when service upon the employer is requested by means of certified mail, the actual cost of the service shall be prepaid in all cases at the time the service is requested.

“(f) In the event that the obligor with a support obligation imposed by a support order issued or modified in the state before October 1, 1996, becomes delinquent in support payments in a dollar amount equal to one or

more month's support obligation, the income of the obligor, if not otherwise subject to withholding, shall become subject to withholding, without the need for a judicial or administrative hearing."

Section 13. Sections 1, 2, 3, 5, 6, 7, 8, and 10 of Act 96-563, 1996 Regular Session, now appearing as Sections 30-3-170, 30-3-171, 30-3-172, 30-3-174, 30-3-175, 30-3-176, 30-3-177, and 30-3-179, Code of Alabama 1975, are amended to read as follows:

"§30-3-170.

"When used in this article, the following words shall have the following meanings:

"(1) COURT. A court of competent jurisdiction or administrative agency having the authority to issue and enforce support orders.

"(2) DELINQUENT or DELINQUENCY. A support debt or support obligation due and unpaid in an amount equal to or greater than six months support payments as of the date of service of a notice of intent to suspend or revoke a license.

"(3) DEPARTMENT. The Alabama Department of Human Resources, including the county departments of human resources.

"(4) LICENSE. Any license, certificate, registration, or authorization issued by a licensing authority which grants a person a right or privilege to engage in an occupational, professional, or recreational activity, or to operate a motor vehicle.

"(5) LICENSEE. The holder of a license.

"(6) LICENSING AUTHORITY. The Department of Public Safety. Any department, division, board, agency, or instrumentality of the State of Alabama or its political subdivisions that issues a license.

"(7) OBLIGEE. Either of the following:

"a. A person to whom support benefits are ordered by the court.

"b. A public agency of this or another state that has the right to receive support payments or otherwise is providing support enforcement services under Title IV-D of the Social Security Act. The term shall include the department.

“(8) OBLIGOR. A person ordered by a court to make periodic payments for the benefit and support of another person or child.

“(9) SUPPORT or SUPPORT ORDER. Support of a minor child and spousal support when the spousal support is collected pursuant to the requirements of Title IV-D of the Social Security Act. Support order shall mean any order, decree, or judgment for the support of a child, or in the case of an order being enforced pursuant to the requirements of Title IV-D of the Social Security Act, a spouse, or former spouse, issued by a court or other entity authorized to issue the orders.

“§30-3-171.

“Upon application to the department for support services by an obligee alleging the existence of a delinquency or failure to comply with subpoenas or warrants relating to paternity or child support proceedings, the department may, upon an administrative determination that there is a delinquency or a failure to comply, issue a notice of intent to withhold, restrict use of, or suspend a license. The notice shall be served upon the obligor personally or by certified mail or as otherwise provided in the Alabama Rules of Civil Procedure. The notice shall state that licenses granted by licensing authorities of the State of Alabama and held by the obligor may be suspended 60 days after service unless, within that time, the obligor does one of the following as appropriate based on reason for suspension:

“(1) Pays the entire support debt stated in the notice.

“(2) Enters into a payment plan approved by the department or its agent.

“(3) Complies with subpoenas or warrants relating to paternity or child support proceedings.

“(3) (4) Requests an administrative hearing within 15 days of receipt of the notice in order to appear and show cause why withholding, restricted use, or suspension of the license is not appropriate.

“§30-3-172.

“(a) Upon receipt of a request for a hearing, the department shall schedule a hearing for the purpose of determining if withholding, restricted use, or suspension of the obligor’s license is appropriate. The department shall stay withholding, restricted use, or suspension of the license pending the outcome of the hearing. The hearing shall be for the purpose of contesting the determination of the department of all of the following:

“(1) That the obligor is at least six months delinquent in child support payments.

“(2) That the obligor has not entered into a payment plan approved by the department.

“(3) If appropriate, that the obligor has failed to comply with a warrant or subpoena relating to a paternity or child support case.

~~“(3)~~ (4) That the withholding, restricted use, or suspension of the license is appropriate. No evidence with respect to the appropriateness of the support order or the ability of the obligor to comply with the support order shall be received or considered at the hearing.

“(b) If the obligor fails to respond to the notice of intent to withhold, restrict the use of, or suspend a license, fails to timely request a hearing, or fails to appear at a scheduled hearing, the obligor’s defenses, objections, or request for a payment plan shall be considered to be without merit and the department or its agent shall enter a final decision accordingly.

“(c) If the department or its agent determines that the obligor is delinquent in making support payments and that the obligor has not entered into a payment plan, or that the obligor has failed to comply with subpoenas or warrants relating to paternity or child support proceedings, the department or its agent shall notify the obligor of the department’s decision and the obligor’s right to seek judicial review of the decision pursuant to the Alabama Administrative Procedure Act by filing a notice of appeal and a cost bond with the department within 30 days of receipt of the agency’s decision. A petition for review shall be filed in the Circuit Court of Montgomery County or the circuit court of the county where a party resides. The filing of a notice of appeal will result in an automatic stay of withholding, restricted use, or suspension of the obligor’s license pending the outcome of the appeal.

“(d) If the requirements for seeking judicial review are not met within 30 days, the department shall send a notice to the licensing authority instructing it to suspend the obligor’s license. A determination of the department is independent of any proceeding of the licensing authority to withhold, restrict use of, suspend, revoke, deny, terminate, renew, or issue a license.

“§30-3-174.

“(a) Upon receipt of a notice from the department or its agent to withhold, restrict use of, suspend, or revoke a license, a licensing authority

shall implement the withholding, restricted use, suspension, or revocation of the license by doing all of the following:

“(1) Determining that it has issued a license to the obligor whose name appears on the notice.

“(2) Entering the suspension or revocation on the appropriate records.

“(3) If required by law, demanding surrender of the suspended or revoked license.

“(b) A notice issued by the department or its agent to withhold, restrict use of, suspend, or revoke a license shall be processed by the licensing authority without any additional review or hearing by the licensing authority. The licensing authority shall have no jurisdiction to modify, reword, reverse, vacate, or stay the decision of the department or its agent.

“(c) Any decision issued by the department or its agent to withhold, restrict use of, suspend, or revoke a license continues until the department or its agent advises the licensing authority that the decision to withhold, restrict use of, suspend, or revoke has been stayed or is no longer in effect. While the department’s decision is in effect, the licensing authority may not issue, reissue, or renew the obligor’s license.

“(d) The licensing authority is exempt from any liability to the licensee for activities conducted in compliance with this article.

“§30-3-175.

“(a) When, following the withholding, restricted use, or suspension of a license, the department or its agent determines that the support debt or support obligation has been paid in full or a satisfactory payment plan has been negotiated, or the obligor has complied with subpoenas or warrants relating to paternity or child support proceedings, the department or its agent, at the request of the obligor, shall send notice requesting reinstatement of the license to the licensing authority and the obligor. Notice to the licensing authority to reinstate the license shall not limit the ability of the department or its agent to issue a new decision and notice in the event of another delinquency.

“(b) When a license has been revoked pursuant to Section 30-3-173, the obligor may obtain a new license only if the department, upon request of the obligor, makes a determination and notifies the licensing authority that the obligation has been paid in full or a satisfactory payment

plan is in place and the obligor is complying with the plan or the obligor has complied with subpoenas or warrants relating to paternity or child support proceedings. Upon receipt of the notification, the licensing authority may issue a new license pursuant to the statutes or regulations governing the reissuance of a license by the licensing authority.

“§30-3-176.

“Notwithstanding any other provisions of law, the licensing authority may charge the obligor a fee to cover administrative costs incurred by the licensing authority in carrying out this article, which fee is to be used exclusively by the licensing authority for the purpose of administering this article. In the event that a license is withheld, suspended, or revoked, or its use restricted, any monies paid by the obligor to the licensing authority for costs related to its issuance, reissuance, renewal, or maintenance shall not be refunded to the obligor.

“§30-3-177.

“In addition to the foregoing provisions of this article, if the obligor is brought before a circuit, district, or juvenile court having jurisdiction on a contempt petition, and it is shown by the department or its agent or by an obligee or counsel for an obligee who is not a recipient of services of the department, that the obligor has failed to follow previous orders of the court, then the court may, in addition to any other remedies, order the withholding, restricted use, suspension, revocation, forfeiture, or termination of the obligor’s license or licenses as defined by this article. When a suspension, revocation, forfeiture, or termination, withholding, or restricted use of any license occurs pursuant to this section, the foregoing provisions of this article pertaining to the duties and authority of the licensing agency shall apply.

“§30-3-179.

“It is the intent of the Legislature that this article provide for the withholding, restricted use, suspension, or revocation of professional, occupational, recreational, or drivers’ licenses for the failure to pay child support or to comply with subpoenas or warrants relating to paternity or child support proceedings.”

Section 14. No public or private entity or agency or individual shall be held liable in any civil or criminal action for disclosing any information to the state Title IV-D agency under the provisions of this Act or for any other action taken in good faith to comply with the provisions of this Act.

Section 15. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 16. This act shall become effective July 1, 1997.

Senator Amari offered the following amendment to the substitute No. 2 for the Bill, SB 458, to-wit:

**AMENDMENT TO SUBSTITUTE NO. 2 FOR SB 458**

On page 18, delete line 6 to 11, inclusive, and renumber remaining subdivisions accordingly.

Which was adopted.

Senator Amari then offered the following amendment No. 2 to the substitute No. 2, as amended, for the Bill, SB 458, to-wit:

**AMENDMENT NO. 2 TO SUBSTITUTE NO. 2,  
AS AMENDED, FOR SB 458**

On page 19, line 23 delete Section 9 and renumber subsequent sections accordingly.

Which was adopted.

And said substitute No. 2, as amended, was then adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -28

Nays:

- 0

And said Bill, SB 458, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0



Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -28

Nays:

- 0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 436.** Prohibiting the sale, trade, or other rearrangement of any lands within the current boundaries of Monte Sano State Park in Madison County.

PAT LINDSEY,  
Chairperson.

## BUDGET ISOLATION RESOLUTION

Senator Bedford requested and received permission to suspend the Rules in order to bring up the Bill, SB 450.

Senator Bedford, B.I.R., SB 450, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -28

Nays:

- 0

## BILLS ON THIRD READING RESUMED

THE BILL:

**SB 450.** To provide for payment to the designated beneficiary

of a deceased member of the Teachers' Retirement System for a certain amount of accrued and unused sick leave which the member was credited with at the time of death and to appropriate funds therefor.

was taken up.

Senator Bedford offered the following substitute for the Bill, SB 450, to-wit:

**SUBSTITUTE FOR 450**

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide for the payment of unused and accumulated sick leave to the designated beneficiary of an active and contributing member of the Teachers' Retirement System when the member dies in service; to require an appropriation from the Education Trust Fund to cover actual costs; and to establish a delayed effective date.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. (a) Payment to Beneficiary or Estate for Unused Sick Leave. Any provision of law to the contrary notwithstanding, when an active and contributing member of the Teachers' Retirement System dies while in service, the beneficiary or estate of the deceased member shall receive a monetary payment of 100 percent of the member's accrued and unused sick leave, not to exceed the maximum days provided in Section 16-1-18.1 of the Code of Alabama 1975. The amount of reimbursement per day for earned and unused sick leave shall be computed on the basis of the member's daily rate of pay and multiplied by the number of unused sick leave days and partial sick leave days in the deceased member's account at the time of death, not to exceed the maximum days allowed in Section 16-1-18.1 of the Code of Alabama 1975. The Teachers' Retirement System shall determine the daily rate of pay based on the number of days in the employee's current annual contract by dividing the annual earnable salary by the number of annual contractual days at the time of death. The beneficiary shall be the designated beneficiary for Teachers' Retirement System benefits unless otherwise specified by the member to the Teachers' Retirement System on forms developed and disseminated by the Teachers' Retirement System. The Teachers' Retirement System shall develop and disseminate certification of death forms to the chief executive officer of all boards, agencies, organizations, and associations participating in the Teachers' Retirement System. The certification of death form shall contain the number of accumulated and unused sick leave days for the deceased mem-

ber as well as any other information needed by the Teachers' Retirement System to calculate the amount of the benefit. The Teachers' Retirement System shall certify to the State Comptroller the amount to be paid to the deceased member's designated beneficiary or estate.

(b) Appropriation and Disbursement. The Legislature shall appropriate from the Education Trust Fund to the State Comptroller for disbursement to the designated beneficiary or estate the monies necessary to fund the provisions of this section. Disbursement of funds by the State Comptroller to the designated beneficiary or estate shall be made within 30 days after receiving the appropriate form from the Teachers' Retirement System.

Section 2. Repealer. All laws or parts of laws which conflict with this act are repealed.

Section 3. Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. Effective Date. This act shall become effective at 12:01 a.m. on October 1, 1997, following its passage and approval by the Governor or upon its otherwise becoming a law. The provisions of this act shall not apply to any employee who dies prior to 12:01 a.m. on October 1, 1997.

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Armistead, Bailey, Bedford, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -28

Nays:

- 0

On motion of Senator Freeman, further consideration of the Bill, SB 450, as amended, was postponed temporarily.

### **BUDGET ISOLATION RESOLUTION**

Senator Bedford requested and received permission to suspend the Rules in order to bring up the Bill, SB 5.

Senator Bedford, B.I.R., SB 5, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Armistead, Bailey, Bedford, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -28

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 5.** Relating to motor vehicle distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Masons, the Scottish Rite, or the Eastern Star; for emergency medical technicians; and for supporters of the Boy Scouts or Girl Scouts; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

Yeas:

Senators:

Armistead, Bailey, Bedford, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -28

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill, SB 398.

Senator Bailey, B.I.R., SB 398, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Armistead, Bailey, Bedford, Butler, Clay, Davidson, Dial, Dixon, Escott-

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Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -28

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 398.** To make a supplemental appropriation from the Public Welfare Trust Fund in the amount of \$1,000,000 to the Department of Human Resources for the fiscal year ending September 30, 1997.

was taken up.

Senator Bailey offered the following amendment to the Bill, SB 398, to-wit:

**AMENDMENT TO SB 398**

On page 2, line 1, after the language "1997" insert the following:

"for the purpose of providing a 14 percent increase in payments to foster care parents"

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Windom -31

Nays: - 0

And said Bill, SB 398, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, David-

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son, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Windom -31

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Little requested and received permission to suspend the Rules in order to bring up the Bill, SB 151.

Senator Little, B.I.R., SB 151, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Windom -31

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 151.** Relating to the Fair Campaign Practices Act; amending Section 17-22A-2, Code of Alabama 1975, and repealing Section 17-22A-13, Code of Alabama 1975, to provide further for the definition of a filing officer as used in the Fair Campaign Practices Act; and to add a new Section 17-22A-11.1 to Title 17, Chapter 22A, Code of Alabama 1975, to provide for a voluntary Code of Fair Campaign Conduct containing a set of guidelines for decency in political campaigns which would be presented to a candidate by the filing officer, voluntarily signed by the candidate, and forwarded to the Office of the Secretary of State to be retained as a public record.

was taken up.

On motion of Senator Little, further consideration of the Bill, SB 151, was postponed temporarily.

**BUDGET ISOLATION RESOLUTION**

Senator Ghee requested and received permission to suspend the Rules in order to bring up the Bill, SB 248.

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Senator Ghee, B.I.R., SB 248, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -27

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 248.** To amend Sections 11-24-1, 11-24-2, and 11-24-3, Code of Alabama 1975, which relate to the regulation of subdivisions by counties; to require county commissions to approve or disapprove plats for proposed subdivisions; to provide that the county commissions may establish boards of developers; and to provide for civil enforcement of the regulations, including civil penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -29

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Hill requested and received permission to suspend the Rules in order to bring up the Bill, SB 541.

Senator Hill, B.I.R., SB 541, adopted.

Yeas 29 Nays 0

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Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -29

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 541.** To amend Sections 34-29-61, 34-29-63 to 34-29-79, inclusive, 34-29-81 to 34-29-92, inclusive, and 34-29-94 of the Code of Alabama 1975, relating to the Alabama Veterinary Practice Act; to rename the board; to provide for an executive director, duties, and salary; to provide for an Administrative Code of the board; to provide for administrative hearings; to provide for actions to be brought in the Circuit Court of Montgomery County for the unauthorized practice of veterinary medicine; to provide for the issuance of temporary licenses; to provide for the use of unregistered assistants; and to specifically repeal Section 34-29-93 of the Code of Alabama 1975, relating to six months internship of applicants for licensing.

was taken up.

The Standing Committee on Agriculture and Forestry reported the following amendment to the Bill, SB 541, to-wit:

**AMENDMENT TO SB 541**

On page 20, line 5, delete the language “Medicine ~~rules and by-laws~~” and insert in lieu thereof:

~~Medicine rules and by-laws~~ “Medical Examiners”

On page 20, line 10, delete the word “or” and insert in lieu thereof:

or “and”

On page 22, line 16, delete the word “medicine” and insert in lieu thereof:

~~medicine~~ “medical examiners”



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On page 29, line 13, delete the language “to all of the following”.

On page 41, line 9, delete the word “premises” and insert in lieu thereof:

~~premises~~ “premise”

On page 41, line 17, after the word “a”, delete the word “premises” and insert in lieu thereof:

~~premises~~ “premise”

On page 44, line 9, delete the word “medicine” and insert in lieu thereof:

~~medicine~~ “medical examiners”

On page 57, line 2, delete the word “medicine” and insert in lieu thereof:

~~medicine~~ “medical examiners”

Which was adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -29

Nays:

- 0

And said Bill, SB 541, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Biddle, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -30

Nays:

- 0

**FURTHER CONSIDERATION OF HB 373**

On motion of Senator Myers, the Rules were suspended in order that the Senate proceed to further consideration of the Bill:

**HB 373.** To amend Section 5-12A-15 of the Code of Alabama 1975, to clarify and provide that the computation of gain, loss, basis, taxable income, taxable loss, and other income tax treatment of a common trust fund and its participants, be determined in accordance with 26 U.S.C. §584, as amended from time to time; to amend Section 40-18-8, Code of Alabama 1975, to provide that the tax treatment for certain transfers from common trust funds to regulated investment companies be determined in accordance with 26 U.S.C. §584; and to provide for a retroactive effect.

having been postponed on the Tenth Legislative Day.

And said Bill, HB 373, was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Poole requested and received permission to suspend the Rules in order to bring up the Bill, SB 197.

Senator Poole, B.I.R., SB 197, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**SB 197.** To provide that a person or entity who devises a scheme to defraud another person or entity and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that criminal fraud would be a Class C felony; to provide that reliance is not a necessary element of the offense; and to provide that puffing is not criminal fraud as defined by this statute.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, SB 197, to-wit:

**AMENDMENT TO SB 197**

Amend SB 197 on Page 3, line 13, by inserting the following language after “(a)”:

“A person commits the crime of criminal fraud in either of the following ways:

(1)”.

Further amend SB 197 on Page 3, line 21 by adding the following new language:

“(2) A person who is an owner, officer, director, partner, manager or other person having policy-making authority for an entity commits the crime of criminal fraud if, with actual knowledge of the unlawful scheme or artifice, he or she knowingly and willfully aids and abets or conspires with any employee or agent subject to his or her authority within the entity to commit criminal fraud as defined in subsection (a)(1) of this section.”

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom

-28

Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 490.** Relating to Jefferson County; to provide for the salary of the sheriff commencing with the next term of office.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**HB 398.** Relating to Marshall County; proposing an amendment to the Constitution of Alabama of 1901; to subject the employees of the Office of the Sheriff of Marshall County, except for the chief deputy, to the authority of the Personnel Board of Marshall County.

Also:

**HB 702.** Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Sumter County Commission to levy a three mill ad valorem tax for fire protection.

Also:

**HB 723.** Relating to Walker County; proposing an amendment to the Constitution of Alabama of 1901; to subject the employees of the Office of the Sheriff of Walker County, except for the chief deputy, to the authority of the Walker County Civil Service Board.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolutions, your signature thereto is requested.

**HB 762.** Relating to Marion County; to repeal Act 81-475, H. 883, 1981 Regular Session (Acts 1981, p. 825), which authorized the Marion County Board of Education to set the salary of the superintendent of education in June of 1981.

Also:

**HJR 105.** DESIGNATING THE "PURPLE HEART VETERANS' OVERPASS" IN HUNTSVILLE, ALABAMA.

Also:

**HJR 241.** SPECIFYING THE LEGISLATIVE INTENT OF ACT 95-389.

Also:

**HJR 242.** SPECIFYING THE LEGISLATIVE INTENT OF ACT 95-389.

Also:

**HJR 153.** COMMENDING THE GRISSOM HIGH SCHOOL WRESTLING TEAM ON ITS THIRD STRAIGHT CHAMPIONSHIP GAME.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS AND RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**HB 678.** Relating to Fayette County; authorizing the Fayette County Commission to levy an additional one-cent sales and use tax for the purpose of financing the acquisition, construction, development, and financing of the Tom Beville Reservoir Management Area, as well as to provide fire protection services in the county; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date for the additional tax.

Also:

**HB 749.** Relating to Jackson County; amending Act 79-349, H. 761, 1979 Regular Session, as amended, relating to the severance tax on coal, to provide further for the tax.

Also:

**HB 750.** Relating to Barbour County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the deposit, distribution, and auditing of the profits; and confirming and ratifying certain prior actions.

Also:

**HB 778.** Relating to Lauderdale County; to provide further for compensation to be paid to the License Commissioner.

Also:

**HB 807.** Relating to Sumter County; amending Sections 1, 2, and 3 of Act 2464, H. 2846 of the 1971 Regular Session (Acts 1971, p. 3929), as amended by Act 79-730, 1979 Regular Session (Acts 1979, p. 1299), providing for the issuance fee and distribution of the fee for pistol

permits issued by the sheriff, to increase the fee and provide further for the distribution of the fee.

Also:

**HB 808.** Relating to Sumter County; to appropriate \$150,000 from certain payments to the county related to fees and charges collected for hazardous waste disposal activities in the county, to be used for the renovation of the county courthouse.

Also:

**HB 813.** Relating to Macon County; to provide for the collection and disposition of special recording fees in the office of judge of probate.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 458.** Establishing the Alabama Child Support Reform Act of 1997; providing authority for the state Title IV-D agency to order genetic testing, to subpoena information, to obtain access to information from governmental agencies and public utilities, to change payees of support payments, to implement income withholding, and to increase the amount of monthly support payments; providing for quarterly data matches with financial institutions; providing for the seizure of accounts of delinquent obligors; providing for a central disbursement unit for the collection and disbursement of support payments; providing for access to criminal justice

information; providing for the suspension of professional, occupational, and recreational licenses of obligors; providing for a central case registry of support orders; providing for the passthrough of the first fifty dollars of child support to the family; providing for income withholding procedures for employers; providing for the admission of evidence and the barring of jury trials for paternity actions; providing for the liability of the parents of a noncustodial teen parent for child support in certain circumstances; providing for liens against property; requiring social security numbers on official documents and notice to individuals regarding the purpose for the social security numbers on such documents; amending Sections 26-17-10, 26-17-12, 26-17-13, 26-17-20, 26-17-22, 30-3-60, and 30-3-61, Code of Alabama 1975; and amending Sections 1, 2, 3, 5, 6, 7, 8, and 10 of Act 96-563, 1996 Regular Session, now appearing as Sections 30-3-170, 30-3-171, 30-3-172, 30-3-174, 30-3-175, 30-3-176, 30-3-177, and 30-3-179, Code of Alabama 1975.

PAT LINDSEY,  
Chairperson.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hill, Knight (A), Curry, and Smith (With Notice and Proof):

**HB 844.** Relating to Shelby County, and particularly School Tax District No. 2 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such increased tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1997 to September 30, 1998 (the tax for which year will be due and payable October 1, 1998) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 2 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 844, AS REQUIRED IN THE GEN-



ERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 844 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hill, Knight (A), Curry, and Smith (With Notice and Proof):

**HB 845.** Relating to Shelby County, and particularly School Tax District No. 1 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such increased tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1997 to September 30, 1998 (the tax for which year will be due and payable October 1, 1998) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 1 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 845, AS REQUIRED IN THE GEN-

ERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 845 - to the Committee on Local Legislation No. 1

### FURTHER CONSIDERATION OF SB 197

The Senate proceeded to further consideration of the Bill, SB 197, as amended.

The Standing Committee on Judiciary reported the following amendment No. 2 to the Bill, SB 197, as amended, to-wit:

### AMENDMENT NO. 2 TO SB 197, AS AMENDED

Amend SB 197, as amended, on Page 4, line 26, by deleting "C" and inserting in lieu thereof "B".

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

The Standing Committee on Judiciary then reported the following

amendment No. 3 to the Bill, SB 197, as amended, to-wit:

**AMENDMENT NO. 3 TO SB 197, AS AMENDED**

Amend SB 197, as amended, on Page 5, lines 10 through 13, by deleting Section 5 in its entirety and inserting in lieu thereof the following new language:

“Section 5. In any civil action in which the liability of a principal, employer or other person is based upon the acts of an agent or employee of such principal, employer or other person, a conviction of the agent or employee of violating this act shall create no presumption of liability on the part of the principal, employer or other person. The admissibility of such conviction in any civil action shall be governed by the Alabama Rules of Evidence.”

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

On motion of Senator Windom, further consideration of the Bill, SB 197, as amended, was postponed temporarily.

**BUDGET ISOLATION RESOLUTION**

Senator Poole requested and received permission to suspend the Rules in order to bring up the Bill, SB 191.

Senator Poole, B.I.R., SB 191, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 191.** To amend Section 32-6-41 and Section 32-6-43, Code of Alabama 1975, to increase the number of doctors serving on the Department of Public Safety Medical Advisory Board; and to clarify that persons affected by licensing decisions of the Alabama Department of Public Safety may obtain copies of reports or records used by the department in making licensing decisions.

was taken up.

Senator Poole offered the following amendment to the Bill, SB 191, to-wit:

**AMENDMENT TO SB 191**

On page 2, line 18 by deleting the word “members” and adding “physicians”

On page 2, line 19 after the word “Alabama” by adding “and one licensed optometrist appointed by the director from a slate of nominees submitted by the Alabama Optometric Association.”

On page 2, line 20 by striking the words “a physician”

On page 2, line 21 by striking the word “medicine”

Which was adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

And said Bill, SB 191, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Lindsey requested and received permission to suspend the Rules in order to bring up the Bill, HB 27.

Senator Lindsey, B.I.R., HB 27, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 27.** To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

was taken up.

On motion of Senator Windom, further consideration of the Bill, HB 27, was postponed temporarily.

### **BUDGET ISOLATION RESOLUTION**

Senator Lindsey then requested and received permission to suspend the Rules in order to bring up the Bill, SB 122.

Senator Lindsey, B.I.R., SB 122, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 122.** To amend Section 22-21-265 of the Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities or services, to provide that an existing provider of home health services meeting specified criteria may accept referrals from counties contiguous to those constituting the existing service area as of the effective date of this act without obtaining a new certificate of need.

was taken up.

Senator Butler offered the following substitute for the Bill, SB 122, to-wit:

### **SUBSTITUTE FOR SB 122**

#### **A BILL TO BE ENTITLED AN ACT**

To amend Section 22-21-265 of the Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities or services, to provide that an existing provider of home health services meeting specified criteria may accept referrals from counties contiguous to those constituting the existing service area as of the effective date of this act without obtaining a new certificate of need; and to provide that a licensed hospital may offer obstetrical services without a new certificate of need.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 22-21-265 of the Code of Alabama 1975, is amended to read as follows:

“§22-21-265.

“(a) On or after July 30, 1979, no person to which this article applies shall acquire, construct, or operate a new institutional health service, as defined in this article, or furnish or offer, or purport to furnish a new institutional health service, as defined in this article, or make an arrangement or commitment for financing the offering of a new institutional health service, unless the person shall first obtain from the SHPDA a certificate of need therefor. Notwithstanding any provisions of this article to the contrary, those facilities and distinct units operated by the Department of Mental Health and Mental Retardation, and those facilities and distinct units operating under contract or subcontract with the Department of Mental Health and Mental Retardation where the contract constitutes the primary source of income to the facility, shall not be required to obtain a certificate of need under this article.

“(b) Notwithstanding all other provisions of this article to the contrary, the replacement of equipment by health care facilities shall be exempt from certificate of need review, provided:

“(1) The replacement does not change the purpose, use, or application of the equipment.

“(2) The existing equipment is taken out of service.

“(3) The replacement equipment does not enable the health care facility to expand its health services.

“(4) The replacement equipment does not enable the health care facility to provide any health services not previously provided on a regular basis.

“A determination of whether the acquisition of equipment is exempt from review under this section shall be made by the Executive Director of the SHPDA upon the filing of an application requesting the determination, on the form or forms prescribed by the CON review board, together with a fee in the amount of 10 percent of the fee provided in Section 22-21-271. If it is determined that the replacement is not reviewable pursuant to this section, the applicant shall be notified in writing that no certificate of need is required. The SHPDA shall define an appeals process.

“Any provision in this article to the contrary notwithstanding, no rural hospital shall be required to submit an application fee when filing a request for determination under this section.

“(c) The SHPDA shall maintain the Alabama State Health Plan to include separate bed need methodologies for inpatient psychiatric services,

inpatient rehabilitation services, and inpatient/residential alcohol and drug abuse services. The SHPDA shall utilize these methodologies in considering all certificate of need applications.

“(d) Notwithstanding all other provisions of this article to the contrary, the increase in the number of nursing home beds of a health care facility licensed pursuant to Section 22-21-260(6) as a skilled nursing care facility or an intermediate care facility, but excluding an increase in the bed capacity of an intermediate care facility designated as an ICF-MR by the State Board of Health and operated by the State Department of Mental Health and Mental Retardation which facilities shall be governed by the other provisions of this article, shall be exempt from certificate of need review, provided:

“(1) The increase does not exceed 10 percent of the total skilled nursing beds of the facility, rounded to the nearest whole number, or 10 beds, whichever is greater.

“(2) The average rate of occupancy for the nursing home beds of the facility is not less than 95 percent, rounded to the nearest whole number, for the 24-month period ending on June 30 of the year immediately preceding the application for exemption from the certificate of need review.

“(3) The aggregate average rate of occupancy for all other skilled nursing facilities and intermediate nursing facilities in the same county as the requesting facility’s is not less than 95 percent, rounded to the nearest whole number, for the 24-month period ending on June 30 of the year immediately preceding the application for exemption from certificate of need review.

“(4) The increase does not require capital expenditures exceeding the capital expenditure thresholds prescribed in Section 22-21-263(a)(2).

“(5) The facility has not been granted an increase of beds under this exemption within the immediately preceding 24-month period.

“In calculating the average occupancy for the facility under subdivision (2) of this subsection and for all other skilled and intermediate nursing facilities in the same county under subdivision (3) of this subsection, beds previously granted including beds granted after January 1, 1995, to the facility, and to other skilled or intermediate nursing facilities in the same county as the requesting facility, pursuant to a certificate of need or to this exemption shall be deemed built and available for occupancy as of the date granted regardless of when the beds were placed in service. SHPDA shall promulgate regulations to determine how occupancy shall be calculated for



the purpose of this subsection, taking into account certain factors such as, but without limitation, disregarding beds that have not been available for use for the three (3) years next preceding the period for which occupancy is being measured.

“(6) Any exemption to add beds without a certificate of need shall expire and be deemed null and void unless the beds are placed in service not less than 12 months after the date the exemption is granted. Notwithstanding the foregoing, SHPDA may promulgate rules permitting the Executive Director of SHPDA to grant one extension not to exceed twelve months upon a showing of substantial progress. Notwithstanding the foregoing, any exemption granted by the SHPDA prior to April 10, 1995, for facilities which have agreed to the provisions of the June 21, 1995 consent decree, is ratified and confirmed and shall be deemed to have been granted in accordance with this subsection. In addition, any facility which was granted an exemption by the SHPDA prior to April 10, 1995, is ratified and confirmed and shall be deemed to have been approved as of the latter of the actual date approved or March 3, 1995 and to have been granted in accordance with this subsection.

“Determination of whether the increase in beds is exempt from review under this section shall be made by the Executive Director of SHPDA upon the filing of an application requesting the determination, on the form or forms prescribed by the CON review board, together with a fee in an amount to be determined by the review board in accordance with Section 22-21-271(a). The SHPDA shall promulgate rules affording an applicant pursuant to this subsection a right to appeal adverse rulings.

“Applications pursuant to this section for exemption from certificate of need review for an increase in bed capacity shall be made only during the 90-day period beginning January 1 through March 31 of each year.

“The provisions of Acts 1994, No. 94-209 shall automatically terminate and become null and void on December 21, 2000, unless a bill to continue or reestablish the provisions of Acts 1994, No. 94-209 shall be passed by both houses of the Legislature and enacted into law.

“(e) Notwithstanding all other provisions of this article to the contrary, an existing home health agency may accept referrals of patients from outside its Medicare certified service area without obtaining a certificate of need, provided all of the following conditions are met:

“(1) The county of the referral is contiguous to a county for which the home health agency held a certificate of need or an exemption granted

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pursuant to provisions of Section 22-21-263, on the effective date of the act amending this code section.

“(2) The home health agency establishes no branch office in the county of the referral.

“(3) The home health agency incurs no capital expenditures in the county of the referral in excess of five hundred dollars (\$500).

“The home health agency shall notify SHPDA that it has begun accepting referrals from a county contiguous to its service area within 14 days of the receipt of the first referral from the contiguous county. No notice to SHPDA shall be required related to subsequent referrals in the same contiguous county. SHPDA shall take steps to provide for the inclusion of statistical information relating to the service to referrals outside the Medicare certified service area in its annual statistical reports. SHPDA shall charge the home health agency no fee for servicing referrals outside the service area.

“(f) Notwithstanding all other provisions of this article to the contrary, a licensed general hospital may offer and furnish obstetrical services without a new certificate of need.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

On motion of Senator Amari, further consideration of the Bill, SB 122, as amended, was postponed temporarily.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill

and House Joint Resolutions, your signature thereto is requested.

**HB 830.** Relating to Tuscaloosa County; providing that the license commissioner shall void any motor vehicle license when payment for the license is noncollectible.

Also:

**HJR 259.** COMMENDING ANDREW C. WADE OF CARROLLTON, ALABAMA, AS PRESIDENT OF THE ALABAMA BANKERS ASSOCIATION.

Also:

**HJR 260.** RECOGNIZING DR. DELBERT W. BAKER OF HUNTSVILLE, ALABAMA.

Also:

**HJR 261.** COMMENDING DR. DELBERT W. BAKER AS THE 10TH PRESIDENT OF OAKWOOD COLLEGE.

Also:

**HJR 262.** COMMENDING MALLIE SEARCY ON HER OUTSTANDING SERVICE TO CHRIST EPISCOPAL CHURCH, TUSCALOOSA, ALABAMA.

Also:

**HJR 263.** COMMENDING THE ATHENS BIBLE SCHOOL BETA CLUB ON ITS 1996 NATIONAL BETA CLUB TALENT CHAMPIONSHIP.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS AND RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## RECESS

At 11:35 A.M., on motion of Senator Butler, the Senate took a recess until 1:15 P.M.

Yeas 19 Nays 9

Yeas:

Senators:

Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Lindsey, Lipscomb, McClain, Mitchem, Myers, Roberts, Smith, Steele, and Waggoner - 19

Nays:

Senators:

Amari, Armistead, Denton, Ghee, Little, Mitchell, Poole, Smitherman, and Windom - 9

The recess period having expired, at 1:15 P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 373.** To amend Section 5-12A-15 of the Code of Alabama 1975, to clarify and provide that the computation of gain, loss, basis, taxable income, taxable loss, and other income tax treatment of a common trust fund and its participants, be determined in accordance with 26 U.S.C. §584, as amended from time to time; to amend Section 40-18-8, Code of Alabama 1975, to provide that the tax treatment for certain transfers from common trust funds to regulated investment companies be determined in accordance with 26 U.S.C. §584; and to provide for a retroactive effect.

GREG PAPPAS,  
Clerk.

## SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had

been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **BUDGET ISOLATION RESOLUTION**

Senator Waggoner requested and received permission to suspend the Rules in order to bring up the Bill, HB 341.

Senator Waggoner, B.I.R., HB 341, adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Waggoner, and Windom -29

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 341.** Providing for certain debit cards for students enrolled in public institutions of higher education which may be used to purchase certain merchandise and services.

was read a third time at length and passed.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Waggoner, and Windom -29

Nays:

- 0

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said

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committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 191.** To amend Section 32-6-41 and Section 32-6-43, Code of Alabama 1975, to increase the number of doctors serving on the Department of Public Safety Medical Advisory Board; and to clarify that persons affected by licensing decisions of the Alabama Department of Public Safety may obtain copies of reports or records used by the department in making licensing decisions.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 398.** To make a supplemental appropriation from the Public Welfare Trust Fund in the amount of \$1,000,000 to the Department of Human Resources for the fiscal year ending September 30, 1997.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 541.** To amend Sections 34-29-61, 34-29-63 to 34-29-79, inclusive, 34-29-81 to 34-29-92, inclusive, and 34-29-94 of the Code of Alabama 1975, relating to the Alabama Veterinary Practice Act; to rename the board; to provide for an executive director, duties, and salary; to provide for an Administrative Code of the board; to provide for administrative hearings; to provide for actions to be brought in the Circuit Court of Montgomery County for the unauthorized practice of veterinary medicine; to provide for the issuance of temporary licenses; to provide for the use of unregistered assistants; and to specifically repeal Section 34-29-93 of the

Code of Alabama 1975, relating to six months internship of applicants for licensing.

PAT LINDSEY,  
Chairperson.

**BUDGET ISOLATION RESOLUTION**

Senator Dixon requested and received permission to suspend the Rules in order to bring up the Bill, SB 230.

Senator Dixon, B.I.R., SB 230, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 230.** To amend Section 8-6-58, Code of Alabama 1975, relating to personnel of the Alabama Securities Commission, to allow the Director of the Securities Commission to employ such special agents as may be necessary to perform investigatory functions for the commission and to provide for their powers.

was taken up.

Senator Dixon offered the following amendment to the Bill, SB 230, to-wit:

**AMENDMENT TO SB 230**

Amend SB 230 on page 3, line 5 after the word "functions" by inserting the following:

"of the Securities Commission"

Which was adopted.

Yeas 30 Nays 0

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Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

And said Bill, SB 230, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

**FURTHER CONSIDERATION OF HB 27**

On motion of Senator Windom, the Rules were suspended in order that the Senate proceed to further consideration of the Bill, HB 27.

And said Bill, HB 27, was read a third time at length and passed.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -29

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Dial requested and received permission to suspend the Rules in order to bring up the Bill, SB 133.

Senator Dial, B.I.R., SB 133, adopted.

Yeas 29 Nays 0



Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -29

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 133.** Relating to long distance telephone service; to prohibit the unauthorized switching of long distance telephone service; and to provide for penalties.

was taken up.

Senator Dial offered the following substitute for the Bill, SB 133, to-wit:

### **SUBSTITUTE FOR SB 133**

#### **A BILL TO BE ENTITLED AN ACT**

Relating to telecommunication service; to prohibit the unauthorized switching of telecommunication service; and to provide for penalties.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. (a) It shall be unlawful for any person or provider of telecommunication service to knowingly designate or change the provider of telecommunication service to a subscriber without the permission or authorization of such subscriber. An affirmative order for designation or change in such service provider shall be confirmed by any of the following methods:

(1) Obtaining the consumer's written authorization.

(2) Obtaining the consumer's electronic authorization by use of an 800 number.

(3) Having the consumer's oral authorization verified by an independent third party.

(4) Sending an information package, including a prepaid, returnable postcard, within three days of the consumer's request for a PIC change, and wait 14 days before submitting the consumer's order to the LEC, so that the consumer has sufficient time to return the postcard denying, canceling, or confirming the change order.

(b) Any person or provider of telecommunication service knowingly designating or changing the subscriber's telecommunication service provider in violation of subsection (a) shall credit or refund to the subscriber any amounts billed or paid for charges associated with such service and the unauthorized change, shall pay to other telecommunication providers any and all fees set by the Public Service Commission for such designation or change, and may be penalized up to five hundred dollars (\$500) per unauthorized change by the Public Service Commission to be deposited to the State General Fund.

(c) The use of contest or sweepstake entries of any kind which results in changing the provider of a subscriber's telecommunication service is prohibited and subject to penalties as described above.

(d) This act shall be enforced by the Public Service Commission. The commission may promulgate rules and regulations pursuant to this act.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom

-34

Nays:

- 0

And said Bill, SB 133, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Armistead requested and received permission to suspend the Rules in order to bring up the Bill, SB 532.

Senator Armistead, B.I.R., SB 532, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 532.** Establishing the Sexual Violent Predator Act; providing for the commitment of sexually violent predators; providing for the notice of release of a sexually violent predator by agency with jurisdiction to the Attorney General and multidisciplinary team; establishing a multidisciplinary team; providing for the appointment of a prosecutor's review committee; providing for the assessment of persons; providing for petition alleging that a person is a sexually violent predator; providing for trials; providing for commitment procedure and procedure for release; providing for duties of the Department of Corrections; providing for notice to victims of release of persons committed; providing for the procedure for special allegation of sexual motivation; and providing for the confidentiality of privileged information and court records.

was taken up.

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Senator Armistead offered the following amendment to the Bill, SB 532, to-wit:

**AMENDMENT TO SB 532**

Amend SB 532 on page 6, line 12 by deleting “(5)” and inserting “(8)” in lieu thereof.

Further amend SB 532 on page 8, line 20 by deleting the word “custody” and inserting the following in lieu thereof:  
“the care and custody of the department at a facility operated by the department pending action by the court”.

Further amend SB 532 on page 12, line 11 by deleting the words “, including, but not limited to, a county jail,” and inserting the following in lieu thereof:  
“under the care and custody of the department at a facility operated by the department”.

Further amend SB 532 on page 16, lines 12 and 13 by deleting the language “relating to the evaluation and treatment of persons committed” and inserting the following in lieu thereof:

“incurred under this act”.

Further amend SB 532 on page 16, line 23 after “state by inserting the words “or a county”.

Further amend SB 532 on page 16, line 24 after “state” by inserting the words “or a county”.

Further amend SB 532 on page 17, line 1 by deleting the words “county or”.

Which was adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom

-34

Nays:

- 0

Senator Armistead then offered the following amendment No. 2 to the Bill, SB 532, as amended, to-wit:

**AMENDMENT NO. 2 TO SB 532, AS AMENDED**

Amend SB 532 on page 7 after line 22 by inserting a new subsection (e) and renumbering all subsequent subsections accordingly:

“(e) The multidisciplinary team shall be composed of three mental health professionals to be appointed by the Commissioner of Mental Health; two correctional officers appointed by the Commissioner of Corrections; and one prosecuting attorney appointed by the Attorney General. The multidisciplinary team shall be inclusive and, to the extent possible, reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.”

Which was adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

And said Bill, SB 532, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman requested and received permission to suspend the Rules in order to bring up the Bill, SB 598.

Senator Freeman, B.I.R., SB 598, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 598.** To amend Sections 40-18-1, 40-18-6, 40-18-8, 40-18-24, 40-18-25, 40-18-160, 40-18-161, 40-18-162, 40-18-164, 40-18-166, 40-18-171, 40-18-172, 40-18-175, 40-18-176, and 40-27-1, Code of Alabama 1975, to conform state income tax treatment of certain corporations, partnerships, and other limited liability business entities to the federal income tax code and to delete individuals from the Alabama Multistate Tax Compact.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

**HB 582.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Home Builders Licensure Board with certain modifications; to amend Sections 34-14A-3, 34-14A-5, 34-14A-8, 34-14A-11, and 34-14A-14, Code of Alabama 1975, so as to provide for the membership of the board; require the annual submission of financial information by licensees; authorize the levy of administrative fines; and to provide that any document mailed certified mail return receipt requested is deemed filed when postmarked.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Reps. Hogan, Hill, and Moore.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Barron, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 582, the title of which is set out in the foregoing Message from the House.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom

-34

Nays:

- 0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Barron, Mitchem, and Freeman.

**BUDGET ISOLATION RESOLUTION**

Senator Denton requested and received permission to suspend the Rules in order to bring up the Bill, SB 12.

Senator Denton, B.I.R., SB 12, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Waggoner, and Windom -24

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 12.** To amend Section 40-6A-2, Code of Alabama 1975, relating to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the salaries provided these officials by \$10,000 in two increments of \$5,000 each; and to provide an effective date at the beginning of the officials' next term of office.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, SB 12, to-wit:

**AMENDMENT TO SB 12**

Amend SB 12 on Page 6 by deleting lines 10, 11, and 12 and inserting in lieu thereof the following new language:

“Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.”

Which was adopted.

Yeas 24 Nays 0



Yeas:

Senators:

Bailey, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Waggoner, and Windom-24

Nays:

- 0

Senator Denton offered the following substitute for the Bill, SB 12, as amended, to-wit:

**SUBSTITUTE FOR SB 12, AS AMENDED**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the salaries provided these officials by \$10,000 in two increments of \$5,000 each; and to provide an effective date at the beginning of the officials' next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make returns of lists of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 40-6A-2, Code of Alabama 1975, is amended to read as follows:

“§40-6A-2.

“(a) On and after ~~May 3, 1990~~, the effective date of the act amend-  
ing this section, and upon approval by the county governing body of a reso-  
lution of authorization, the tax assessors, tax collectors, revenue commis-  
sioners, license commissioners, or other officials whose primary duty is  
assessing and/or collecting ad valorem taxes in the various counties of this  
state, shall be compensated by an annual salary, each of ~~such~~ the officials to  
receive as a minimum, except as hereinafter provided, an annual salary in  
the amount specified by the following schedule:

“IN COUNTIES HAVING A POPULATION OF:	ANNUAL SALARY
25,000 or less	<del>\$32,500.00</del> <u>\$37,500</u>
25,001 to 75,000	<del>37,500.00</del> <u>\$42,500</u>
75,001 to 119,000	<del>40,000.00</del> <u>\$45,000</u>
More than 119,000	<del>42,500.00</del> <u>\$47,500</u>

“Provided, however, that in all counties wherein an elected assis-  
tant tax assessor or assistant tax collector has been or may hereafter be  
established by law to function separate and apart from the office of tax  
assessor or tax collector in such counties, the salary for such elected assis-  
tant ~~officials~~ official shall be 90 percent of the salary established ~~herein~~  
for the tax assessor or tax collector in ~~such~~ the counties. Provided further, that in  
all counties wherein the offices of tax assessor and tax collector have been or  
may hereafter be combined, the official holding ~~such~~ the combined office, by  
whatever title, shall receive a minimum annual salary of \$10,000 greater than  
the minimum prescribed for his or her county in the above schedule.

“(b) The salary for ~~such~~ officials in each of the various counties of  
this state shall be determined according to the above specified schedule  
based upon the 1980 federal decennial census. The salaries, as above  
determined, shall be paid on a pro rata basis out of the money collected each  
tax year into the general fund of each respective county of the state, and  
thereafter paid from ~~said~~ the fund to ~~such~~ officials in equal installments.  
The pro rata share of the officials’ salaries to be paid by each fund or  
agency receiving ad valorem taxes, shall be determined in each county by  
computing the percentage that the total collections for each fund or agency  
bears to the total collections of ad valorem taxes. With respect to any mu-

municipality in which that municipality's pro rata share of the officials' salaries provided for in this section is greater than the fees or commissions being paid by ~~said~~ the municipality for assessment and collection of ad valorem taxes for the tax year immediately prior to ~~such~~ the municipality becoming subject to the provisions of this section, the payment of ~~such~~ a pro rata share by the municipality shall be in lieu of ~~such~~ fees or commissions. With respect to any municipality in which that municipality's pro rata share of the officials' salaries provided for in this section is equal to or less than the fees or commissions being paid by ~~said~~ the municipality for assessment and collection of ad valorem taxes for the tax year immediately prior to ~~such~~ the municipality becoming subject to the provisions of this section, the payment of ~~such~~ fees or commissions by the municipality shall be in lieu of ~~such~~ a pro rata share. The pro rata share of salaries each fund or agency shall pay during the first year after implementation of this section shall be based upon the collections made during the tax year next preceding, the effective date of election to come under this section, and adjusted from year to year as may be necessary.

“(c) On and after October 1, 1998, each official whose compensation is determined by the provisions of subdivisions (a) and (b) hereof shall receive an additional annual salary increase of five thousand dollars (\$5,000).”

“(d) If implementation of the salary provisions in subsections (a) and (c) hereof shall increase the salary of an official during the official's term of office, the increase shall be paid as an expense allowance until the beginning of the next term of office whereupon the amount of the expense allowance shall be included in the base salary for the official and the expense allowance shall be void.”

Section 2. Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, are amended to read as follows:

“§40-4-5.

“For making the demand on the taxpayer for his list of property to be returned and for each return of property to “owner unknown,” to be charged to the taxpayer or property assessed and collected with the taxes, the assessor shall be entitled to ~~\$5~~ ten dollars (\$10), to be entered upon the return and assessment. But the assessor shall be entitled to only one demand fee against each taxpayer. For serving each subpoena for state witnesses or notice issued by order of the Department of Revenue or board of equalization, the assessor shall be entitled to receive ~~\$5~~ ten dollars (\$10), to be taxed against the taxpayer and collected with the taxes, if the case made against such taxpayer is sustained; otherwise, he shall receive no fees for the serving of such subpoena.

“§40-5-6.

“For making actual demand on delinquent taxpayers, the collector shall be entitled to receive a fee of \$5 ten dollars (\$10) from each taxpayer on whom such demand is made, which shall be charged against such taxpayer and collected for the use of the collector in the same manner and by the same means as taxes are collected, but he shall charge only one fee against each taxpayer. For making a levy on and sale of personal property for the collection of taxes, the collector shall be allowed a fee of \$5 ten dollars (\$10) to be collected out of the property, and, in addition thereto, he shall be authorized to collect out of such property the actual expenses of keeping and moving the same to the place of sale. The collector may sell any personal property levied on at any place in the precinct that he may determine or may move the same to the courthouse of the county for sale. For the levy on and sale of a tract, parcel, or lot of land assessed to one owner, or to “owner unknown,” the collector shall receive a fee of \$5 ten dollars (\$10) in addition to the demand fee on such delinquent taxpayer, the said fee to be made a part of the judgment of sale and collected with the taxes due on the land sold or levied on for sale.

“§40-5-14.

“After January 1 of each year, the tax collector must proceed, without delay, to levy upon the personal property of delinquent taxpayers for the payment of their taxes and, after having first given 10 days’ notice of the time and place of sale, with a description of the property to be sold, by posting the same at three or more public places in the precinct of the residence of such delinquent, either at the time of assessment or of the levy, or, if he is a nonresident of the county, in the precinct in which the levy is made he must sell the same, or so much thereof as may be necessary to satisfy the taxes, fees, and expenses of sale, including the expenses of keeping the property and moving the same to the place of sale in front of the courthouse of the county, or at the voting place, or at the residence of such delinquent, or at any other place in the precinct in which such notice was posted, at public outcry to the highest bidder for cash, and the property so sold shall not be subject to redemption. For making such sale, the collector shall be allowed a fee of \$5 ten dollars (\$10), to be collected out of the property. Such taxpayer may, at any time before the sale, pay the taxes, interest, fees, and expenses, including the collector’s fees for the sale, the same as if it had been made, and thereby discharge the levy.

“§40-5-17.

“When the collector has information that any person owing taxes in his county, whether due or not, has left the county, he shall make out and

certify to the judge of probate a bill against such person and procure the approval thereof by the judge of probate in all respects as provided in Section 40-5-31, and such bill shall operate as a writ of fieri facias, and the same may be executed by the collector if the personal property of the taxpayer is found in his county or may be by such collector forwarded to the collector of any county in which the taxpayer has any property, and the collector of such other county, on the receipt of such writ, shall file the same for record in the probate office in his county and, without delay shall give notice to the delinquent taxpayer in person or by certified or registered mail, return receipt demanded. On failure of said delinquent taxpayer to satisfy after 30 days from date of such notice the taxes, fees, and costs due under the writ, in addition to the recording fee and a fee of \$5 ten dollars (\$10) for executing such writ, he shall proceed to execute the same as if issued in his county. He shall remit collections thereon to the collector sending him the writ and is liable under his bond for any neglect of duty under this section.

“§40-7-19.

“After December 31 in each year, the assessor shall in person or by deputy make a demand upon all taxpayers who have failed to make return to him for a list of their taxable property, and such demand may be made by written notice left with the taxpayer at his residence or place of business, or sent postpaid by certified or registered mail, with return receipt demanded, to the taxpayer’s last known place of residence, and it shall be the duty of such taxpayer to return such list to the assessor on or before the third Monday in January following. For making this demand the tax assessor shall be entitled to a fee of \$5 ten dollars (\$10) to be paid by the taxpayer, which shall be added to the tax receipt and collected with the tax.

“§40-7-32.

“The assessor shall be entitled to a fee for making returns of property which has escaped taxation of \$5 ten dollars (\$10) for each assessment provided if the escape is for more than one year, all back years shall be made on one assessment blank, and the current year’s escape on a separate assessment for which he shall be entitled to an additional fee of \$5 ten dollars (\$10), such fee to be added to and collected with taxes due. In case of lands lying in one body, other than lands platted and subdivided into lots, the return shall be made on said lands as a whole, unless the assessor has reason to believe that they belong to different owners, in which case when lands lying in one body and supposed to belong to the same owner, must be included in one return, and no fee shall be allowed the assessor for any return made in disregard of this provision, but the assessment of any such property thereafter made shall not for that reason be invalid.

“§40-10-27.

“For each notice to a delinquent property owner to show cause why a decree of sale should not be rendered, the judge of probate is entitled to a fee of \$5 ten dollars (\$10) and for each decree of sale, \$5 ten dollars (\$10); the tax collector shall have \$5 ten dollars (\$10) for serving each notice which may be given by certified or registered mail with return receipt demanded, but for his attendance at court, he shall receive no pay; but in case of appeal, the sheriff and the clerk of the appellate court shall be entitled to the same fees as for services in like cases.

“§40-10-29.

“After the expiration of three years from the date of the sale of any real estate for taxes, the judge of probate then in office must execute and deliver to the purchaser, other than the state, or person to whom the certificate of purchase has been assigned, upon the return of the certificate and payment of a fee of \$5 ten dollars (\$10) to the judge of probate, a deed to each lot or parcel of real estate sold to the purchaser and remaining unredeemed, including therein, if desired by the purchaser, any number of parcels, or lots purchased by him at such sale; and such deed shall convey to and vest in the grantee all the right, title, interest and estate of the person whose duty it was to pay the taxes on such real estate and the lien and claim of the state and county thereto, but it shall not convey the right, title or interest of any reversioner or remainderman therein.”

Section 3. The salaries provided in this act shall become effective for the officials covered herein upon the first day of the commencement of the next term of office of such officials following the passage of this act.

Section 4. Any provision of law to the contrary notwithstanding, the salary increases provided in this act shall take effect upon the effective dates herein provided, in every county of this state in which the county governing body has heretofore passed the resolution of authorization initially required to adopt the provisions of this chapter within such counties.

Section 5. Any provision of law to the contrary notwithstanding, the salary of every official presently paid under the provisions of Title 40, Chapter 6A, Code of Alabama 1975, shall be increased by ten thousand dollars (\$10,000) in two five thousand dollar (\$5,000) increments which shall be paid on and after October 1, 1997, and October 1, 1998, respectively.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Waggoner, and Windom -24

Nays:

- 0

And said Bill, SB 12, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Waggoner, and Windom -24

Nays:

- 0

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 133.** Relating to telecommunication service; to prohibit the unauthorized switching of telecommunication service; and to provide for penalties.

PAT LINDSEY,  
Chairperson.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 230.** To amend Section 8-6-58, Code of Alabama 1975, relating to personnel of the Alabama Securities Commission, to allow the Director of the Securities Commission to employ such special agents as may be necessary to perform investigatory functions for the commission and to provide for their powers.

PAT LINDSEY,  
Chairperson.

## BUDGET ISOLATION RESOLUTION

Senator McClain requested and received permission to suspend the Rules in order to bring up the Bill, SB 418.

Senator McClain, B.I.R., SB 418, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Waggoner, and Windom  
-24

Nays:

- 0

## BILLS ON THIRD READING RESUMED

THE BILL:

**SB 418.** To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

was taken up.



On motion of Senator Dial, further consideration of the Bill, SB 418, was postponed temporarily.

### **BUDGET ISOLATION RESOLUTION**

Senator McClain then requested and received permission to suspend the Rules in order to bring up the Bill, SB 273.

Senator Escott-Russell, B.I.R., SB 273, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Waggoner, and Windom-24

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 273.** To provide that a person who is engaged in the business of transporting vehicles have a lien on the vehicle if the removal was done pursuant to law; to provide notice to persons with a lawful interest in the vehicle; to provide for a hearing; to provide for payment of fees; and to require persons who are regularly engaged in transporting vehicles to have the name, address, and telephone number of the company transporting the vehicle clearly printed on the side of the vehicle.

was taken up.

Senator Escott-Russell offered the following amendment to the Bill, SB 273, to-wit:

### **AMENDMENT TO SB 273**

On page 3, line 7, insert the following before the word "Department":

"office of the judge of probate, secretary of state, or other office where Uniform Commercial Code financing statements are filed and in the"

On page 3, lines 17 and 18, delete the phrase "or any person claiming a lien, other than the towing-storage operator,".

On page 3, lines 23 and 24, delete the phrase "or lienholder".

On page 4, line 6, delete the phrase "or lienholder".

On page 5, line 10, delete the word "or" and insert in lieu thereof the word "and".

On page 5, delete lines 13 and 14 and insert in lieu thereof the following:

"conspicuous part of the storehouse. The proceeds of the sale, if any, after payment first of all indebtedness secured by any prior recorded security interest or other lien, and then to the extent there are remaining proceeds, after payment of reasonable towing and storage charges and"

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Waggoner, and Windom-24

Nays:

- 0

And said Bill, SB 273, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Waggoner, and Windom-24

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Roberts requested and received permission to suspend the Rules in order to bring up the Bill, SB 348.

Senator Roberts, B.I.R., SB 348, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom  
-34

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 348.** To amend Section 16-8-26, Code of Alabama 1975, relating to personal leave for teachers, to incorporate other existing provisions for education support personnel and to repeal Section 16-8-26.1, Code of Alabama 1975, relating to personal leave of support personnel.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom  
-34

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Sanders requested and received permission to suspend the Rules in order to bring up the Bill, SB 211.

Senator Sanders, B.I.R., SB 211, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee,

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Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell,  
Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner,  
and Windom -34

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**SB 211.** To reopen the Employees' Retirement System to allow an active and contributing member to purchase service credit in the system for prior service rendered as an employee of the Sheriff's Department of Wilcox County during a certain period of time and to provide for payment of the cost of purchasing the prior service credit.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay,  
Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee,  
Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell,  
Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner,  
and Windom -34

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Lipscomb requested and received permission to suspend the Rules in order to bring up the Bill, SB 476.

Senator Lipscomb, B.I.R., SB 476, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay,  
Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee,  
Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell,  
Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner,  
and Windom -34

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**SB 476.** To make it a crime to solicit a child by computer for the purposes of committing a sexual act; to make it a crime to transmit by means of computer communication obscene material to a child; to provide for exceptions; and to provide for penalties.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, SB 476, to-wit:

**AMENDMENT TO SB 476**

Amend SB 476 on Page 3, line 18, after the word “material” by inserting the following language:

“of engaging in sexual intercourse, sodomy, or to engage in a sexual performance, obscene sexual performance, or sexual conduct for his or her benefit”.

Which was adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom  
-34

Nays:

- 0

The Standing Committee on Judiciary then reported the following amendment No. 2 to the Bill, SB 476, as amended, to-wit:

**AMENDMENT NO. 2 TO SB 476, AS AMENDED**

Amend SB 476, as amended, on Page 2, line 11, by deleting “16” and inserting in lieu thereof “19”.

Further amend SB 476, as amended, on Page 3, line 10, by deleting

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the language "obscene communication" and inserting in lieu thereof the language "sexual acts".

Which was adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

And said Bill, SB 476, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Figures requested and received permission to suspend the Rules in order to bring up the Bill, SB 141.

Senator Figures, B.I.R., SB 141, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 141.** To repeal Section 21-3A-11, Code of Alabama 1975, relating to certain mandates for the Alabama Early Intervention Act for Infants and Toddlers with Disabilities.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom  
-34

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Davidson requested and received permission to suspend the Rules in order to bring up the Bill, SB 351.

Senator Davidson, B.I.R., SB 351, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom  
-34

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 351.** To authorize the incorporation of Alabama Drinking Water Finance Authority; to provide for the powers, authority and duties of

its board of directors; to create and establish a state drinking water revolving loan fund; to authorize the authority to receive federal grants, state appropriations, and other appropriations and contributions; to authorize the authority to make agreements with the United States of America and its agencies and departments respecting the receipt, use and application of federal grants and contributions; to provide that the Alabama Department of Environmental Management shall be the agent of the authority in connection with the said revolving loan fund and loans made by the authority and to confer upon said department full power and authority to take such actions as shall be necessary to cause the authority and the department to be and remain eligible for assistance from the United States of America with respect to grants available for safe drinking water; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of bonds and other securities, to be sold and issued and payable at such times and on such conditions as the directors may determine; to provide that all bonds and securities shall be payable solely from the sources specified in this act, including, without limitation, proceeds of bonds or other securities, amounts on deposit in the said revolving fund, federal grants, loan repayments and interest income; to authorize the authority to refund any bonds issued by it at such times, in such amounts and on such terms as the directors shall determine; to authorize the authority to obtain such credit enhancement in connection with any borrowing as the directors may determine to be advantageous; to authorize the authority to make loans to certain public bodies in the state and to determine the conditions on which such loans are to be made; to authorize the authority to enforce the provisions of such loan and to authorize each public body which is the recipient of any such loan to make all agreements as a condition precedent to such loan as may be required by the authority, the Alabama Department of Environmental Management or federal law; to authorize the authority to invest the proceeds of bonds or other securities, amounts on deposit in the said revolving loan fund, amounts appropriated or contributed to the authority or the Alabama Department of Environmental Management, by the state or the United States of America or any public body receiving a loan; to authorize the authority to appoint and engage one or more banks to receive, invest and disburse, as specified by the authority, all amounts on deposit in the said revolving loan fund and other funds received by the authority from any source; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision.

was taken up.



On motion of Senator Escott-Russell, further consideration of the Bill, SB 351, was postponed temporarily.

### **BUDGET ISOLATION RESOLUTION**

Senator Davidson then requested and received permission to suspend the Rules in order to bring up the Bill, HB 236.

Senator Davidson, B.I.R., HB 236, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom

-34

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**HB 236.** Relating to premium tax with respect to health maintenance organizations; to amend Section 27-21A-28, Code of Alabama 1975, to repeal the classification for tax purposes of health maintenance organizations as life insurers, to make health maintenance organizations subject to the premium tax rates applicable to health insurers; and to provide for its retroactive effect.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom

-34

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Smitherman requested and received permission to suspend the Rules in order to bring up the Bill, SB 387.

Senator Smitherman, B.I.R., SB 387, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 387.** To authorize the mayor of any Class 1, 2, or 3 municipality, subject to budget restraints approved by the governing body, to make cash and non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for employee innovations that significantly reduce costs or result in outstanding improvements in services to the public.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey requested and received permission to suspend the Rules in order to bring up the Bill, SB 350.

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Senator Lindsey, B.I.R., SB 350, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 350.** To provide for the offense of criminal use of pepper spray; and to provide penalties.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Langford requested and received permission to suspend the Rules in order to bring up the Bill, SB 528.

Senator Langford, B.I.R., SB 528, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 528.** To amend Section 12-18-40, 12-18-55, and 12-18-84, Code of Alabama 1975, and to add Section 12-18-42, Code of Alabama 1975; to provide that Justices of the Supreme Court, judges of the court of appeals, and circuit court judges who assume office on or after July 30, 1979, district court judges, and probate judges may retire with 24 years of service at any age; and to provide for a delayed effective date.

was taken up.

On motion of Senator Bailey, further consideration of the Bill, SB 528, was postponed temporarily.

**BUDGET ISOLATION RESOLUTION**

Senator Little requested and received permission to suspend the Rules in order to bring up the Bill, SB 563.

Senator Little, B.I.R., SB 563, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 563.** Providing for state officials to process passports and for disposition of fees.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Amari requested and received permission to suspend the Rules in order to bring up the Bill, SB 514.

Senator Amari, B.I.R., SB 514, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -34

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 514.** To amend Sections 26-19-1, 26-19-2, 26-19-3, 26-19-4, 26-19-5, 26-19-7, 26-19-8, 26-19-9, and 26-19-10 of the Code of Alabama 1975, relating to the Missing Children Bureau; to change the name of the Missing Children Bureau to the Alabama Center for Missing and Exploited Children; to authorize the ACMEC to maintain data for law enforcement purposes only; to authorize the ACMEC to coordinate and provide assistance to state and local public and private nonprofit agencies investigating cases of missing persons, exploited children, and unidentified bodies; to authorize the ACMEC to assist in the preparation and dissemination of fliers concerning missing persons, exploited children, and their abductors; to authorize the ACMEC to operate a resource center of information regarding prevention of abduction and sexual exploitation of children; to eliminate any waiting period for law enforcement to file reports to the

ACMEC; to further define a missing Alabama school child; to require schools to provide to the ACMEC information on students enrolling in Alabama schools for the first time; and to provide that the center would act as a liaison for persons and cases involving exploited children in the same manner as missing children.

was taken up.

On motion Senator Amari, the Rules were suspended and further consideration of the Bill, SB 514, was postponed subject to the call of the Chair.

### **BUDGET ISOLATION RESOLUTION**

Senator Hale requested and received permission to suspend the Rules in order to bring up the Bill, HB 53.

Senator Hale, B.I.R., HB 53, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom

-34

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 53.** To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1996 First Special Session and the 1996 Regular Session of the Legislature as contained in the 1996 Cumulative Supplement to certain volumes of the Code and in the 1996 Replacement Volume 4 of the Code; to make corrections in certain volumes of the cumulative supplement; to specify that this adoption and incorporation constitute a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volume; to expressly provide that this act does not affect any 1996 Second Special Session statute or any 1997 stat-

ute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Biddle, Butler, Clay, Davidson, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-26

Nays:

- 0

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 476.** To make it a crime to solicit a child by computer for the purposes of committing a sexual act; to make it a crime to transmit by means of computer communication obscene material to a child; to provide for exceptions; and to provide for penalties.

PAT LINDSEY,  
Chairperson.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 532.** Establishing the Sexual Violent Predator Act; providing for the commitment of sexually violent predators; providing for the notice of release of a sexually violent predator by agency with jurisdiction to the Attorney General and multidisciplinary team; establishing a multidisciplinary team; providing for the appointment of a prosecutor's review committee; providing for the assessment of persons; providing for

petition alleging that a person is a sexually violent predator; providing for trials; providing for commitment procedure and procedure for release; providing for duties of the Department of Corrections; providing for notice to victims of release of persons committed; providing for the procedure for special allegation of sexual motivation; and providing for the confidentiality of privileged information and court records.

PAT LINDSEY,  
Chairperson.

### **FURTHER CONSIDERATION OF SB 57**

The Senate proceeded to further consideration of the Bill:

**SB 57.** Regulating the installing and servicing of alarm systems; the installing and servicing of fire detection, fire alarm, or fire communication systems; and the providing of locksmith services; creating the Alabama Electronic Security Board of Licensure and specifying its composition, powers, and duties; creating a special fund; and providing for the licensure process, fees, violations, enforcement, application, and monetary, civil, and criminal penalties.

as amended by the Amari substitute No. 2, which said substitute is set out in the Journal of the Senate for the Eighteenth Legislative Day.

On motion of Senator Amari, further consideration of the Bill, SB 57, as amended, was postponed temporarily.

### **RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

#### **SR 111. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the Nineteenth legislative day of the 1997 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

Page

By Rep. Fuller:

#### **HB 119.**

Education budget, appropriation for support, maintenance, and development of public education

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By Rep. Fuller:

**HB 192.**

153

Teachers, local bds. of ed. required to pay 100 percent of  
the st. salary matrix

By Sen. Bedford:

**SB 88.**

12

Sheriffs, comp., Sec. 36-22-16 am'd.

By Sen. Windom:

**SB 304.**

35

Income tax, federal grantor rules applicable in determining  
net income, Sec. 40-18-25 am'd.

**MOTION TO ADJOURN LOST**

At 3:55 P.M., Senator Mitchell moved that the Senate adjourn until  
Tuesday, April 15, 1997, at 1 o'clock P.M., which motion lost.

Yeas 12 Nays 19

Yeas:

Senators:

Biddle, Clay, Davidson, Denton, Dial, Dixon, Hale, Lipscomb, Myers, Poole,  
Roberts, and Waggoner -12

Nays:

Senators:

Adams, Amari, Armistead, Bailey, Butler, Escott-Russell, Figures, Free-  
man, Ghee, Langford, Lindsey, Little, McClain, Mitchell, Sanders, Smith,  
Smitherman, Steele, and Windom -19

**FURTHER CONSIDERATION OF SR 111**

The Senate proceeded to further consideration of the Resolution,  
SR 111.

Senator Amari offered the following substitute for the Resolution,  
SR 111, to-wit:

**SUBSTITUTE FOR SR 111**

**SR 111. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bills

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shall be the paramount and continuing order of business upon reaching bills on third reading for the Nineteenth legislative day of the 1997 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

	Page
By Rep. Fuller: <b>HB 119.</b> Education budget, appropriation for support, maintenance, and development of public education	176
By Rep. Fuller: <b>HB 192.</b> Teachers, local bds. of ed. required to pay 100 percent of the st. salary matrix	153
By Sen. Bedford: <b>SB 88.</b> Sheriffs, comp., Sec. 36-22-16 am'd.	12
By Sen. Windom: <b>SB 304.</b> Income tax, federal grantor rules applicable in determining net income, Sec. 40-18-25 am'd.	35
<b>SB 57.</b>	39
Which was adopted.	

And on motion of Senator Amari, the Resolution, as thus amended, was adopted by the Senate.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 12.** To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the salaries provided these officials by \$10,000 in

two increments of \$5,000 each; and to provide an effective date at the beginning of the officials' next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make returns of lists of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

PAT LINDSEY,  
Chairperson.

**SPECIAL ORDER  
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

**HB 119.** To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

The Standing Committee on Finance and Taxation Education reported the following substitute, as amended, for the Bill, HB 119, to-wit:

**SUBSTITUTE, AS AMENDED, FOR HB 119**

**A BILL  
TO BE ENTITLED  
AN ACT**

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

**ADJOURNMENT**

At 4:15 P.M., on motion of Senator Mitchell, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, HB 119, the Senate adjourned until Tuesday, April 15, 1997, at 1 o'clock P.M.

## **TWENTIETH LEGISLATIVE DAY**

**TUESDAY, APRIL 15, 1997**

The Senate met pursuant to adjournment, President Pro Tempore Freeman presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Aza Boozer, Assistant Superintendent of the Montgomery District of the United Methodist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Brad Baker, Dauphin Junior High School, Mobile, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

## JOURNAL

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

**HB 275.** To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, 41-16-50, and 9-15-82 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; to exempt from certain competitive bid provisions lease-leaseback transactions entered into by institutions and systems of higher education with separately constituted boards of trustee provided that any such institution or system of higher education shall at all times remain the owner of any real property the subject of any such lease-leaseback transaction; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

GREG PAPPAS,  
Clerk.

### UNANIMOUS CONSENT GRANTED

Senator Mitchell requested and received unanimous consent to allow Standing Committees to report and Bills to be introduced out of order for today.

**MOTION TO ADJOURN**

Senator Mitchell moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 17, 1997, at 10 o'clock A.M., which motion was adopted.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 28.** REQUESTING THAT THE BALANCED BUDGET AMENDMENT TO THE U.S. CONSTITUTION BE PASSED AND SUBMITTED TO THE STATES FOR RATIFICATION.

Also:

**SJR 79.** MOURNING THE DEATH OF MATTHEW CARL COLLEY, SR., OF TROY, ALABAMA.

Also:

**SJR 81.** SUPPORTING THE INTENTION OF THE ALABAMA STATE BOARD OF EDUCATION TO MERGE THE WALLACE COMMUNITY COLLEGE, DOTHAN, WITH THE ALABAMA AVIATION AND TECHNICAL COLLEGE, OZARK.

Also:

**SJR 82.** COMMENDING RAYMOND ISBELL FOR HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

**SJR 83.** COMMENDING CHIEF LARRY HICKS AS RECIPIENT OF THE 1996 FRATERNAL ORDER OF POLICE OFFICER OF THE YEAR.

Also:

**SJR 84.** COMMENDING THE RUSSELLVILLE MIDDLE SCHOOL SCHOLAR'S BOWL TEAM FOR OUTSTANDING SCHOLASTIC ACHIEVEMENT.

Also:

**SJR 86.** RECOGNIZING THE HEART OF DIXIE RAILROAD MUSEUM IN CALERA, ALABAMA.

Also:

**SJR 89.** COMMENDING THE TUSCALOOSA ACADEMY GIRLS VARSITY BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 90.** HONORING DR. JOHN T. GIBSON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

**SJR 91.** MOURNING THE DEATH OF BETTY JO BEACH GULLEDGE.

Also:

**SJR 92.** MOURNING THE DEATH OF BETTY JO BEACH GULLEDGE.

Also:

**SJR 93.** URGING THE ALABAMA STATE BOARD OF PHARMACY TO INSTITUTE NECESSARY ACTION TO ALLOW RESPIRATORY THERAPISTS, EMERGENCY MEDICAL TECHNICIANS, AND VOLUNTEER FIRE DEPARTMENTS' EMERGENCY MEDICAL TECHNICIANS TO BE CONSIDERED TRAINED PERSONNEL FOR PURPOSES OF ADMINISTERING MEDICAL OXYGEN.

Also:

**SJR 95.** DECLARING MONROE COUNTY THE LITERARY CAPITAL OF ALABAMA.

Also:

**SJR 97.** URGING THE ALABAMA BOARD OF PARDONS AND PAROLES TO CONDUCT HEARINGS CONCERNING APPLICATIONS FOR A PARDON.

Also:

**SJR 98.** COMMENDING REPRESENTATIVE CURTIS SMITH AS RECIPIENT OF THE MODERN WOODMEN OF AMERICA'S 1997 CITIZEN OF THE YEAR.

Also:



**SJR 99.** DESIGNATING THE ALABAMA ASSOCIATION OF RESOURCE CONSERVATION AND DEVELOPMENT COUNCILS DAY IN ALABAMA ON APRIL 9, 1997.

Also:

**SJR 100.** MOURNING THE DEATH OF DALE SERRANO OF VESTAVIA HILLS, ALABAMA.

Also:

**SJR 102.** COMMENDING MIKE BURTON, JR., FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

**SJR 104.** RECOGNIZING THE U. S. ARMY MISSILE COMMAND AND THE ESTABLISHMENT OF THE U. S. ARMY AVIATION AND MISSILE COMMAND, REDSTONE ARSENAL, ALABAMA.

Also:

**SJR 105.** COMMENDING THE MILITARY AND CIVILIAN EMPLOYEES OF THE UNITED STATES ARMY MISSILE COMMAND.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with

the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 490.** Relating to Jefferson County; to provide for the salary of the sheriff commencing with the next term of office.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 273.** To provide that a person who is engaged in the business of transporting vehicles have a lien on the vehicle if the removal was done pursuant to law; to provide notice to persons with a lawful interest in the vehicle; to provide for a hearing; to provide for payment of fees; and to require persons who are regularly engaged in transporting vehicles to have the name, address, and telephone number of the company transporting the vehicle clearly printed on the side of the vehicle.

PAT LINDSEY,  
Chairperson.

### **UNFINISHED BUSINESS BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**HB 119.** To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

and pending substitute, as amended, which said substitute was offered on the Nineteenth Legislative Day.

Senator Adams offered the following amendment to the substitute, as amended, for the Bill, HB 119, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 119**

Amend the substitute, as amended, for HB 119, Page 45 Line 18, as follows:

Delete lines 18 thru 21

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 275.** To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, 41-16-50, and 9-15-82 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; to exempt from certain competitive bid provisions lease-leaseback transactions entered into by institutions and systems of higher education with separately constituted boards of trustees provided that any such institution or system of higher education shall at all times remain the owner of any real property the subject of any such lease-leaseback transaction; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

GREG PAPPAS,  
Clerk.

## **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

## **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**HB 27.** To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

Also:

**HB 53.** To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1996 First Special Session and the 1996 Regular Session of the Legislature as contained in the 1996 Cumulative Supplement to certain volumes of the Code and in the 1996 Replacement Volume 4 of the Code; to make corrections in certain volumes of the cumulative supplement; to specify that this adoption and incorporation constitute a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volume; to expressly provide that this act does not affect any 1996 Second Special Session statute or any 1997 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

Also:

**HB 341.** Providing for certain debit cards for students enrolled in public institutions of higher education which may be used to purchase certain merchandise and services.

Also:

**HB 236.** Relating to premium tax with respect to health maintenance organizations; to amend Section 27-21A-28, Code of Alabama 1975,

to repeal the classification for tax purposes of health maintenance organizations as life insurers, to make health maintenance organizations subject to the premium tax rates applicable to health insurers; and to provide for its retroactive effect.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **FURTHER CONSIDERATION OF HB 119**

The Senate proceeded to further consideration of the Bill, HB 119. The question was on the Adams amendment to the substitute, as amended.

### **INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Clay (With Notice and Proof):

**SB 672.** Relating to Macon County; providing that the members of the county commission shall run for election from four single-member districts; providing that the chair of the county commission shall run for election at-large; providing that the chair of the county commission shall serve full time; providing for the compensation of the chair of the county commission and the members of the county commission; providing for the operation and personnel of the county commission; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer and county commission; and repealing Act 334, H. 826, of the 1939 Regular Session (Local Acts, 1939, p. 225); Act 216, H. 669, of the 1969 Regular Session (Acts 1969, p. 535); Act 1996, H. 2195 of the 1971 Regular Session (Acts 1971, p. 3238); Act 84-583, H. 884 of the 1984 Regular Session (Acts 1984, p. 1218); Act 90-313, H. 798 of the 1990 Regular

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Session (Acts 1990, p. 428); and Act 91-817, H. 78 of the 1991 Regular Session (Acts 1991, p. 217).

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 672, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Armistead:

**SB 673.** To amend Section 30-1-4, Code of Alabama 1975, to increase the minimum age for contracting marriage.

Committee on Judiciary

By Senator Steele (With Notice and Proof):

**SB 674.** Relating to Tuscaloosa County; to amend Section 2 of Act 94-568, H. 897, 1994 Regular Session (Acts 1994, p. 1040), relating to the Office of the Sheriff in Tuscaloosa County; to provide further for the compensation of the chief jailer.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 674, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Little:

**SB 675.** Relating to limited partnerships in Alabama pursuant to Title 10, Code of Alabama 1975; to provide for the repeal of Chapter 9A of Title 10 (Sections 10-9A-1 to 10-9A-203, inclusive) and to provide for the Alabama Limited Partnership Act of 1997 as a new Chapter 9B of Title 10; Chapter 9B would provide for the following: Article 1 General Provisions; definition of terms; the name of limited partnerships; a specified office and agent in the state; the records required of limited partnerships and rights to inspect records; the nature of business of limited partnerships, which excludes banking and insurance; the business transactions of a part-

ner in the limited partnership; Article 2 Formation; certificate of limited partnership; amendment to a certificate; the cancellation of a certificate; execution of certificates by the judge of probate; execution by judicial act of the circuit court; filing in the office of the judge of probate; liability for material false statement in the certificate; scope of notice of a certificate; restricted certificate; Article 3 Limited Partners; admission of limited partners; voting by limited partners; liability of limited partners to third parties; rights of persons erroneously believing himself or herself to be a limited partner to execute a certificate or amendment to a certificate or to withdraw from future equity participation; access to information, the right of a limited partner to inspect and copy partnership records; Article 4 General Partners; admission of additional partners into limited partnerships; events of withdrawal by a general partner; general powers and liabilities of general partners; contributions by a general partner; voting by general partners; Article 5 Finance; form of contributions by a partner to limited partnerships and liability for contributions; the allocation of profits and losses among partners and the sharing of distributions of cash or other assets; Article 6 Distributions and Withdrawal; interim distributions; withdrawal of general partners and of limited partners; distributions, distributors in kind upon withdrawal, rights and limitations on distribution; Article 7 Assignment of Partnership Interests; nature and assignment of partnership interests; rights of creditors to partnership interests; right of assignee to become limited partner; powers of successors in interest; Article 8 Dissolution; nonjudicial dissolution; judicial dissolution; winding up; distribution of assets; Article 9 Limited Partnerships; governing laws; registration; issuance of distribution; name of foreign limited partnership; changes and amendments; cancellation of registration; transaction of business without registration; restraining action by Attorney General; Article 10 Derivative Actions; right of action; proper plaintiff; pleading; expenses; Article 10A Conversions and Mergers; definitions; conversion of limited partnership to general partnership, corporation or limited liability company, or foreign limited partnership; conversion of general partnership, corporation, limited liability company, or foreign limited partnership to limited partnership; merger of limited partnerships and business entities; requirements for certificates of merger; certificate serving as certificate of cancellation; effect of merger; nonexclusivity of Article 10A; Article 11 Miscellaneous Provisions; construction; short title; severability; effective date and repeal; rules for cases not provided in Chapter 9B; and savings clause.

Committee on Economic  
Expansion and Trade

By Senator Dixon (With Notice and Proof):

**SB 676.** Relating to Montgomery County, prohibiting an alco-

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holic beverage wholesale licensee from refusing to sell to a retail licensee, or provide services to a retail licensee if such services are provided to other retail licensees in the county; and providing certain civil remedies.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 676, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Armistead:

**SB 677.** To amend Sections 26-10A-2, 26-10A-23, and 26-10A-36, Code of Alabama 1975, relating to the Alabama Adoption Code; to define foreign adoption agencies; to expand the requirements for adoption agencies doing business in Alabama to include foreign adoption agencies; to further provide for the regulating of advertising by domestic and foreign adoption agencies; to require compliance by foreign adoption agencies with certain provisions of Title 10 and Title 40; to add Section 40-12-44.1 to Title 40, Chapter 12, Code of Alabama 1975, to provide for the payment of a licensing fee by adoption agencies; and to provide for the disposition of revenue from the licensing fee.

Committee on Governmental Affairs

By Senator Armistead:

**SB 678.** To amend Section 12-15-8, Code of Alabama 1975, to establish requirements for guardians ad litem in juvenile proceedings, to define guidelines for the choice of such guardians ad litem by the court, to establish for such guardians ad litem the initial and continuing educational requirements and other qualifications, the compensation, the specific duties of, and the penalties for failure to perform such duties by a guardian ad litem in any juvenile proceedings.

Committee on Governmental Affairs

By Senator Armistead:

**SB 679.** To amend Sections 12-15-7, 26-14-1, 26-14-3, 26-14-6, 26-14-7, and 26-16-13, Code of Alabama 1975, to require the Department of Human Resources to report certain suspected, alleged, or actual cases of



child abuse or neglect, or both, to the appropriate law enforcement agency; to provide penalties for willful failure to make such reports; to require the Department of Human Resources to share all information necessary for the law enforcement agencies to fulfill their legal responsibilities in suspected, alleged, or actual cases of child abuse or neglect, or both; to clarify that the Department of Human Resources has powers similar to probation officers in certain instances; to require that the Department of Human Resources and all state and local law enforcement agencies cooperate in the investigation of suspected, alleged, or actual child abuse or neglect cases, or both; and to require the Department of Human Resources to meet the same standard of entry into a home required of law enforcement officers of probable cause and issuance of a warrant prior to entering a home for the removal of a child or to file a dependency petition and receive a pre-adjudication order by a judge of competent jurisdiction.

Committee on Governmental Affairs

By Senator Armistead:

**SB 680.** Establishing the Heather Act; to amend Section 26-18-6, Code of Alabama 1975; to allow in personam and in rem jurisdiction over an abandoned child; and to provide for service by publication in certain cases involving an abandoned child.

Committee on Governmental Affairs

By Senator Armistead:

**SB 681.** To amend Act 96-793, 1996 Regular Session, now appearing as Sections 15-20-21 to 15-20-24, inclusive, Code of Alabama 1975, to further provide for the Community Notification Act.

Committee on Governmental Affairs

By Senator Sanders:

**SB 682.** To provide for the advising, attending, or assisting of a woman during pregnancy, labor, natural childbirth, and the postpartum period by certified professional midwives; to create the Certified Professional Midwifery Board to regulate and license the practice of midwifery; to prescribe fees; and to prescribe penalties for violations.

Committee on Health  
and Human Resources

By Senator Bedford:

**SB 683.** To establish the Alabama Wilderness System; to provide permanent protection for certain state-owned lands in their wild and natural state; to provide for administration of state wilderness areas by the Department of Conservation and Natural Resources; to require all state agencies to study their land holdings for possible further wilderness area designations; and to provide for the duties of the Alabama Department of Environmental Management regarding the lands and waters designated as wilderness.

Committee on Judiciary

By Senator Clay:

**SB 684.** To amend Sections 40-23-25 and 40-23-82, Code of Alabama 1975; to provide a limitation on the successor liability of a bona fide purchaser of a business, security interest holder, or mortgagee for the unpaid and undisclosed sales and use tax liability of the prior business owner or debtor.

Committee on Business and Labor

### **FURTHER CONSIDERATION OF HB 119**

The Senate proceeded to further consideration of the Bill, HB 119. The question was on the Adams amendment to the substitute, as amended.

### **REPORTS OF COMMITTEES**

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Butler (With Substitute):

**SB 117.** To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, oper-

ated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally, with certain exceptions.

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Lindsey, Mitchell, Figures, Windom, Bedford, Clay, Hale, Butler, Dixon, and Davidson:

**SB 661.** To amend Section 12-17-140 of the Code of Alabama 1975, to provide further for certain qualifications for supernumerary status for clerks and registers of the district or circuit courts and for certain benefits under the supernumerary system.

Senator Denton, Chairperson of the Standing Committee on Constitution, Campaign Finance, Ethics, and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Venable (With Amendment):

**HB 312.** Relating to elections; amending Sections 17-22A-2, 17-22A-7, 17-22A-22, 36-25-1, 36-25-6, 36-25-14, and 36-25-15, Code of Alabama 1975, to further regulate the financing of political campaigns and to provide further for penalties for violations.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders (With Substitute):

**SB 475.** To authorize Alabama Public School and College

Authority to sell and issue one hundred twenty-five million dollars (\$125,000,000) aggregate principal amount of additional bonds to purchase items of tangible or intangible personal property determined to be necessary to implement the Alabama Technology Plan for K-12 Education and the Alabama School of Fine Arts and the Alabama School of Mathematics and Science; to provide for the reallocation of any unexpended funds after a specified period of time; to authorize the Authority to reimburse the Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal of and interest on said bonds at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and to pay the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; to provide that the Authority shall have no responsibility for the security, operation, or liabilities of any system funded from proceeds of the Bonds, that this Act shall not be construed to modify any laws relating to the use or dissemination of data over such system and that the Authority shall have no proprietary or property interest therein; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate

with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Fuller and Curry:

**HB 109.** To make an appropriation of \$446,331 from the Education Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

By Reps. Fuller and Curry:

**HB 110.** To make an appropriation of \$208,287 from the Education Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

By Reps. Fuller and Curry:

**HB 111.** To make an appropriation of \$35,750,373 from the Education Trust Fund and an appropriation of \$727,670 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1998.

By Reps. Fuller and Curry:

**HB 108.** To make an appropriation of \$421,715 from the Education Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

By Reps. Fuller and Curry:

**HB 93.** To make an appropriation of \$4,007,933 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Fuller and Curry (With Substitute):

**HB 194.** To make an appropriation to the Department of Public

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Health from the State General Fund in the amount of \$11,006,144 for the fiscal year ending September 30, 1998, for educational purposes.

By Reps. Fuller and Curry (With Substitute):

**HB 104.** To make an appropriation of \$381,534 from the State General Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1998, for educational purposes.

By Reps. Fuller and Curry (With Substitute):

**HB 94.** To make an appropriation of \$347,805 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1998, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

By Reps. Fuller and Curry (With Substitute):

**HB 197.** To make an appropriation of \$400,000 from the State General Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Fuller and Curry (With Substitute):

**HB 102.** To make an appropriation of \$1,200,000 from the State General Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Kennedy and Fuller (With Substitute):

**HB 401.** To make an appropriation of \$932,793 from the State General Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1998; and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Parker (T) (With Substitute):

**HB 613.** To make an appropriation of \$150,000 from the State General Fund to the Children's Hands-on Museum for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Fuller, Curry, Sanderson, Minnifield, Hawkins, Newton (D), Townsend, McAdory, Petelos, Spratt, Houston, Gaines, Perdue, Morton, Payne, and Carns (With Substitute):

**HB 186.** To make an appropriation of \$500,000 from the State General Fund to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham for each of the fiscal years ending September 30, 1997 and September 30, 1998, and to require the filing of additional information and an operations plan prior to release of any funds.

By Rep. Curry (With Substitute):

**HB 195.** To make an appropriation of \$375,000 from the State General Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Curry and Fuller:

**HB 128.** To make an appropriation of \$45,000 from the Education Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedford (With Notice and Proof):

**SB 665.** Relating to Fayette County; authorizing the Fayette County Commission to levy an additional one-cent sales and use tax for the purpose of financing the acquisition, construction, development, and financing of the Tom Beville Reservoir Management Area, as well as to provide fire protection services in the county; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing

punishment for violation of this act; providing for a referendum; and providing for a termination date for the additional tax.

By Senator Ghee (With Notice and Proof):

**SB 667.** Relating to the City of Oxford in Calhoun County; to amend Sections 3 and 12, Act 963, S. 1177, 1975 Regular Session, to include department heads under the city civil service act; and to provide further for the probationary period of employment in the civil service system.

By Reps. McDaniel and Hawk (With Notice and Proof):

**HB 751.** To amend Section 1, Act 86-564, H. 806, 1986 Regular Session, as amended, which provides further for distribution of Marshall County's share of in-lieu-of-taxes payments of the Tennessee Valley Authority, to extend the distribution to Mountain Valley Council on the Arts to September 30, 1999; and to provide for a retroactive effect.

By Rep. Johnson (R) (With Notice and Proof):

**HB 761.** Relating to Talladega County; to provide for the operation and management of an inmate commissary at the county jail.

By Reps. Hill, Knight (A), Curry, and Smith (With Notice and Proof):

**HB 844.** Relating to Shelby County, and particularly School Tax District No. 2 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such increased tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1997 to September 30, 1998 (the tax for which year will be due and payable October 1, 1998) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 2 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

By Reps. Hill, Knight (A), Curry, and Smith (With Notice and Proof):

**HB 845.** Relating to Shelby County, and particularly School Tax District No. 1 in said County; approving an increase of the three mill dis-



strict ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such increased tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1997 to September 30, 1998 (the tax for which year will be due and payable October 1, 1998) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 1 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

Senator Ghee, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. McMillan, Johnson (R), and Clouse (With Amendment):

**HB 277.** To provide for the establishment of the Alabama Higher Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to public institutions of higher education to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

### **FURTHER CONSIDERATION OF HB 119**

The Senate proceeded to further consideration of the Bill, HB 119. The question was on the Adams amendment to the substitute, as amended.

### **QUORUM CALL REQUESTED**

At 4:58 P.M., Senator Roberts requested that the President Pro Tempore of the Senate ascertain the presence of a quorum.

Whereupon, the roll was called and the following Senators responded to their names:

Senators:

Adams, Bailey, Bedford, Butler, Clay, Denton, Escott-Russell, Freeman,

Ghee, Lipscomb, Little, McClain, Mitchell, Myers, Roberts, Sanders, Smith-  
erman, and Windom -18

**FURTHER CONSIDERATION OF HB 119**

The Senate proceeded to further consideration of the Bill, HB 119. The question was on the Adams amendment to the substitute, as amended.

On motion of Senator Sanders said amendment was laid on the table.

Senator Adams then offered the following amendment No. 2 to the substitute, as amended, for HB 119, to-wit:

**AMENDMENT NO. 2 TO SUBSTITUTE,  
AS AMENDED, FOR HB 119**

On page 7, delete lines 11 to 26, inclusive.

**RECESS**

At 5:15 P.M., on motion of Senator Mitchell, the Senate took a recess until 7:30 P.M.

The recess period having expired, at 7:30 P.M., the Senate was called to order by President Pro Tempore Freeman. A quorum of the Senate was present.

**FURTHER CONSIDERATION OF HB 119**

The Senate proceeded to further consideration of the Bill, HB 119. The question was on the Adams amendment No. 2 to the substitute, as amended.

On motion of Senator Sanders said amendment No. 2, was laid on the table.

Senator Poole offered the following amendment to the substitute, as amended, for HB 119, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 119**

On page 15, delete lines 1 and 2, inclusive.

**QUORUM CALL REQUESTED**

At 7:33 P.M., Senator Windom requested that the President Pro Tempore of the Senate ascertain the presence of a quorum.

Whereupon, the roll was called and the following Senators responded to their names:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Butler, Denton, Dixon, Freeman, Ghee, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smitherman, Steele, and Windom

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### **FURTHER CONSIDERATION OF HB 119**

The Senate proceeded to further consideration of the Bill, HB 119. The question was on the Poole amendment to the substitute, as amended.

### **REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 28	SJR 83	SJR 90	SJR 95	SJR 99	SJR 104
SJR 79	SJR 84	SJR 91	SJR 97	SJR 100	SJR 105
SJR 81	SJR 86	SJR 92	SJR 98	SJR 102	SB 490
SJR 82	SJR 89	SJR 93			

Delivered to the Governor on April 15, at 1:35 P.M.

McDOWELL LEE,  
Secretary of Senate.

### **SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### **ADJOURNMENT**

At 7:33 P.M., on motion of Senator Amari, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, HB 119, the Senate adjourned until Thursday, April 17, 1997, at 10 o'clock A.M.

## **TWENTY-FIRST LEGISLATIVE DAY**

**THURSDAY, APRIL 17, 1997**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Representative Barbara Boyd, Thirty-Second House District.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Erin Leigeber, Cullman High School, Cullman, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senators Dial and Dixon for today.

**MOTION TO ADJOURN**

Senator Mitchell moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 22, 1997, at 1 o'clock P.M., which motion was adopted.

**MESSAGE FROM THE GOVERNOR**

April 14, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Board of Public Accountancy.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 14th day of April, 1997.

April 14, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Robert McCullar of

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Eufaula, Alabama, to serve as a member of the Alabama Board of Public Accountancy, effective November 18, 1996. The term of office will expire on October 1, 2000.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 14th day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Public Accountancy, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

March 12, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Educational Television Commission.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 12th day of March, 1997.

March 12, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Dr. Dannetta Thornton

Owens of Birmingham, Alabama, to serve as a member of the Alabama Educational Television Commission, effective June 25, 1997. The term of office will expire on June 25, 2007.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 12th day of March, 1997.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Public Accountancy, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

March 28, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Arts Education and Foreign Languages Courses of Study Committee.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 28th day of March, 1997.

March 28, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Johnny Blackmon of

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Montgomery, Alabama, to serve as a member of the Arts Education and Foreign Languages Courses of Study Committee, effective March 25, 1997. The term of office will expire on March 20, 1998.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 28th day of March, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Arts Education and Foreign Languages Courses of Study Committee, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

March 12, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Military Department.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 12th day of March, 1997.

March 12, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Colonel Dalton Dia-



mond of Montgomery, Alabama, to the rank of Brigadier General, effective February 7, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 12th day of March, 1997.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a promotion to the rank of Brigadier General, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

March 12, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Military Department.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 12th day of March, 1997.

March 12, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Colonel Edwin Wright

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of Montgomery, Alabama, to the rank of Brigadier General, effective February 7, 1996.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 12th day of March, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a promotion to the rank of Brigadier General, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

March 12, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Military Department.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 12th day of March, 1997.

March 12, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Colonel John Scales of

Montgomery, Alabama, to the rank of Brigadier General, effective March 12, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 12th day of March, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a promotion to the rank of Brigadier General, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 3, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 3rd day of April, 1997.

April 3, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, R. Crawford Welch, Jr.

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of Montgomery, Alabama, to serve as a member of the Alabama Real Estate Commission, effective April 3, 1997. The term of office will expire on September 30, 2001.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 3rd day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

March 28, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Arts Education and Foreign Languages Courses of Study Committee.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 28th day of March, 1997.

March 28, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Lea Ellison of Hunts-

ville, Alabama, to serve as a member of the Arts Education and Foreign Languages Courses of Study Committee, effective March 25, 1997. The term of office will expire on March 20, 1998.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 28th day of March, 1997.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Arts Education and Foreign Languages Courses of Study Committee, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

March 28, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Heritage Trust Fund Board.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 28th day of March, 1997.

March 28, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Joseph Jennings, Jr. of

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**21st Day - April 17, 1997**

Lanett, Alabama, to serve as a member of the Alabama Heritage Trust Fund Board, effective March 28, 1997. The term of office will expire on October 1, 2002.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 28th day of March, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

March 28, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Trust Fund.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 28th day of March, 1997.

March 28, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Roy Gilbert, Jr. of Bir-

mingham, Alabama, to serve as a member of the Alabama Trust Fund, effective March 25, 1997. The term of office will expire on October 1, 2000.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 28th day of March, 1997.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Trust Fund Board, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

April 8, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Arts Education and Foreign Languages Courses of Study Committee.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 8th day of April, 1997.

April 8, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Jean Galloway of Mo-

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bile, Alabama, to serve as a member of the Arts Education and Foreign Languages Courses of Study Committee, effective April 8, 1997. The term of office will expire on March 20, 1998.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 8th day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Arts Education and Foreign Languages Courses of Study Committee, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 8, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Board of Massage Therapy.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 8th day of April, 1997.

April 8, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Edward Crowell of Pike



Road, Alabama, to serve as a member of the Alabama Board of Massage Therapy, effective April 8, 1997. The term of office will expire on September 30, 1999.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 8th day of April, 1997.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Massage Therapy, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

April 8, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Board of Massage Therapy.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 8th day of April, 1997.

April 8, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Denise Walker of

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Irvington, Alabama, to serve as a member of the Alabama Board of Massage Therapy, effective April 8, 1997. The term of office will expire on September 30, 1999.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 8th day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Massage Therapy, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 14, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Board of Public Accountancy.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 14th day of April, 1997.

April 14, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Joe C. Lawrence of

Mobile, Alabama, to serve as a member of the Alabama Board of Public Accountancy, effective October 3, 1995. The term of office will expire on October 1, 1999.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board Public Accountancy, was read and referred to the Standing Committee on Confirmations.

Done this 14th day of April, 1997.

### **COMMUNICATION FROM THE SPEAKER OF THE HOUSE**

April 16, 1997

Mr. McDowell Lee  
Secretary of the Senate  
State House  
Montgomery, Alabama 36130

Dear Mr. Lee:

I have appointed Mr. Danny K. Patterson to a position on the Alabama Commission on Higher Education. Pursuant to Act 461, 1979 Regular Session of the Alabama Legislature, this appointment is subject to Senate confirmation.

I would appreciate your processing this paperwork so it will be effective by his appointment date which is September 1, 1997.

With warm personal regards, I am

Sincerely,

JAMES S. CLARK,  
Speaker.

**COMMUNICATION RECEIVED**

The foregoing Communication from the Speaker of the House, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

April 16, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Board of Public Accountancy.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 16th day of April, 1997.

April 16, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, John H. DeLoach of Birmingham, Alabama, to serve as a member of the Alabama Board of Public Accountancy, effective October 2, 1994. The term of office will expire on October 1, 1998.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 16th day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Public Accountancy, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Fuller:

**HB 99.** To provide for a salary increase for certain state employees for the fiscal year beginning October 1, 1997 and would create a Joint Legislative Committee to Study Employee Compensation.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 99 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Fuller and Curry:

**HB 98.** To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1998.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 98 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

**HJR 317.** INVITING HANK WILLIAMS, JR., TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby cordially invite Mr. Hank Williams, Jr., to address a joint session of the Legislature at 9:30 a.m. on April 24, 1997.

RESOLVED FURTHER, That Mr. Williams be provided a copy of this resolution.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Sanders, the Rules were suspended and the Resolution, HJR 317, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Fuller and Hooper:

**HB 424.** To make an appropriation of \$75,000 from the State

General Fund to the Alabama Sports Festival, for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 424 - to the Committee on Economic Expansion and Trade

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Curry and Fuller:

**HB 137.** To make an appropriation of \$60,000 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 137 - to the Committee on Economic Expansion and Trade

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Fuller:

**HB 745.** To make an appropriation of \$261,317 from the State General Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1998.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 745 - to the Committee on Economic Expansion and Trade

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

**HB 420.** To make a conditional appropriation from the General Fund in the State Treasury to the Department of Agriculture and Industries, in the amount of \$5,000,000 for the fiscal year ending September 30, 1997.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 420 - to the Committee on Economic Expansion and Trade



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Curry:

**HB 926.** To make an appropriation from the State General Fund in the State Treasury to the Autism Society of Alabama, in the amount of \$50,000 for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 926 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry and Fuller:

**HB 138.** To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 138 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Fuller and Curry:

**HB 215.** To make an appropriation of \$100,000 from the State General Fund to the Montgomery Minority Business Development Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 215 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry and Fuller:

**HB 135.** To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 135 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry and Fuller:

**HB 136.** To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 136 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry and Fuller:

**HB 116.** To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending Sep-

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tember 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 116 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Fuller and Curry:

**HB 117.** To make an appropriation of \$192,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 117 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry and Fuller:

**HB 121.** To make an appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 121 - to the Committee on Economic Expansion and Trade

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Fuller and Curry:

**HB 134.** To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 134 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry and Fuller:

**HB 120.** To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 120 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry and Fuller:

**HB 118.** To make an appropriation of \$759,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 118 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Fuller and Curry:

**HB 133.** To make an appropriation of \$69,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 133 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Fuller:

**HB 7.** To make an appropriation from the State General Fund in the amount of \$2,550,000 to the full member Children's Advocacy Centers for the fiscal year ending September 30, 1998, and to require operations plans and audited financial statements prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 7 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Townsend, Sanderford, Allen, Murphree, and Wren:

**HB 245.** Relating to insurance, to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with any Alabama institution of higher education for the administration of the examinations of life and disability insurance agents and brokers, and to allow the examination fees for the services to be paid directly to the testing institution in lieu of, but not in excess of, the fees set forth in Section 27-4-2, Code of Alabama 1975, by amending Section 27-8-7, Code of Alabama 1975.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 245 - to the Committee on Business and Labor

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (C):

**HB 316.** Relating to insurance, to provide further for the regula-



tion of Medicare supplement insurance and long-term care insurance by amending Sections 27-19-50, 27-19-52, 27-19-53, 27-19-54, 27-19-55, 27-19-56, and 27-19-57 of, and to add Sections 27-19-52.1, 27-19-57.1, 27-19-57.2, and 27-19-59 to the Code of Alabama 1975, and adding an Article 3 (commencing with Section 27-19-100) to Chapter 19 of Title 27 of the Code of Alabama 1975, establishing the "Long-Term Care Insurance Policy Minimum Standards Act."

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 316 - to the Committee on Business and Labor

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry and Fuller:

**HB 114.** To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 114 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry and Fuller:

**HB 115.** To make an appropriation of \$93,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 115 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry and Fuller:

**HB 97.** To make an appropriation of \$100,000 from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 97 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy and Curry:

**HB 113.** To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 113 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Fuller and Curry:

**HB 96.** To make an appropriation of \$62,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 96 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clouse:

**HB 37.** To authorize the city council of any Class 5 municipality with a city manager or a mayor commission form of government to adopt an alternate structure for the membership on the board of adjustment created pursuant to Section 11-52-80 of the Code of Alabama 1975; to authorize the city councils to provide by ordinance for the appointment of the board; and to provide for the number of concurring votes on the board.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 37 - to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Fuller:

**HB 311.** To provide that certain members of the state retirement systems shall have a one-time option of participating in an early retirement

incentive program and receiving payment for a certain amount of accrued or unused sick leave at retirement and to provide for the distribution of the savings incurred by the state agencies from which the employee retires.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 311 - to the Committee on Economic Expansion and Trade

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Fuller:

**HB 248.** To require the State Employees' Health Insurance Plan to pay the medical insurance costs for certain members of the state retirement systems during the period of time between retirement and eligibility for Medicare benefits.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 248 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Burke:

**HB 828.** To provide for a lump sum bonus of \$7,500 to certain members of the Employees' and Teachers' Retirement Systems retiring after July 1, 1997 and prior to October 1, 1997 and to provide for the distribution of the savings incurred by the state agencies from which the employee retires.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 828 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Fuller:

**HB 746.** To amend Section 36-29-7 of the Code of Alabama 1975, to provide for a reserve in the health insurance fund administered by the State Employees' Insurance Board.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 746 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hill (With Notice and Proof):

**HB 905.** Relating to Shelby County; providing for an expense allowance for each member of the county commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 905, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Clouse, Baker, and Flowers (With Notice and Proof):

**HB 924.** Relating to Dale County; providing that the offices of judge of probate or revenue commissioner shall be reimbursed for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing the funds shall be payable from the general fund of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 924, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

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By Rep. Boyd (With Notice and Proof):

**HB 947.** Relating to Talladega County, to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide for the collection and disposition of a special recording fee; and to provide that the system shall constitute official and permanent records in Talladega County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 947, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 905, 924, and 947 - to the Committee on Local Legislation  
No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carns, Curry, Knight (A), Gaines, and Hill (With Notice and Proof):

**HB 910.** Relating to Shelby County; to amend Section 2 of Act 96-41, H. 6, 1996 First Special Session (Acts 1996, p. 54), to provide further for the disbursement of certain additional court costs for the purpose of funding the county law library.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 910, AS REQUIRED IN THE GEN-



ERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 910 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Clark (J) (With Notice and Proof):

**HB 897.** Relating to Barbour County; to authorize the board of health to designate the environmental services for which a reasonable fee may be charged and to set the appropriate fee for each service.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 897, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 897 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy and Curry:

**HB 112.** To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 112 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry, Hill, and Knight (A) (With Notice and Proof):

**HB 908.** Relating to Shelby County; to provide that the Shelby County Commission shall have authority to remove or demolish buildings and structures, or parts thereof, when the same are found by the county commission to be unsafe to the extent of being a public nuisance; to provide for a hearing by the county commission if requested; to authorize that the cost of the demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that the assessment shall constitute a lien on the property; to provide methods of collecting assessments; and to authorize the tax collector to collect assessments.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 908, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Carns, Knight (A), Gaines, and Hill (With Notice and Proof):

**HB 909.** Relating to Shelby County; to give the authority to the county commission to allow Central Alabama Public Transportation and any agencies which receive state or county funding to receive and display county vehicle license tags.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 909, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 908 and 909 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Black (M):

**HB 673.** To amend Section 36-21-2 of the Code of Alabama 1975, to provide a subsistence allowance to the marshal and deputy marshals employed by the state appellate courts.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 673 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hill (With Notice and Proof):

**HB 906.** Relating to Shelby County, to amend Act 95-369, H. 826, 1995 Regular Session, to provide for the unlimited extension of an expense allowance for the tax assessor and tax collector.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 906, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Gaines and Hill (With Notice and Proof):

**HB 907.** Relating to Shelby County; providing for additional line item expenses for the district attorney's office.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 907, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 906 and 907 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Rogers (M) (With Notice and Proof):

**HB 779.** Relating to Calhoun County; providing reimbursement to the county, the county commission, or to any municipality in the county for the expenditures for advertising a proposed local law raising revenues for a local entity whether public or private.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 779, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Willis, Sims, Rogers (M), and Boyd (With Notice and Proof):

**HB 927.** Relating to Calhoun County; establishing the Fort McClellan Development Commission; providing for the composition, terms, duties, and powers of the commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 927, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 779 and 927 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry, Hill, Knight (A), and Gaines (With Notice and Proof):

**HB 901.** Relating to Shelby County; to amend Section 11 of Act 596, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act 92-394, 1992 Regular Session (Acts 1992, p. 810); to remove certain law enforcement powers granted to employees of the Shelby County Work Release Center; to authorize the commission to transport eligible persons to job sites within the county; and to exempt the commission from liability for damage or injury caused to the eligible person.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 901, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Hill (With Notice and Proof):

**HB 902.** Relating to Shelby County; providing for the payment of a county salary supplement to each Circuit Judge and the District Attorney of the Eighteenth Judicial Circuit and to each Shelby County District Judge; providing for certain additional increases in the supplement; providing for the termination of the supplement under certain conditions; and repealing conflicting law.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 902, AS REQUIRED IN THE GEN-

ERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Curry, Knight (A), Gaines, and Hill (With Notice and Proof):

**HB 903.** Relating to Shelby County; to amend Act 93-529, H. 728 of the 1993 Regular Session (Acts 1993, p. 869), to provide for additional costs and charges in all circuit and district court cases and to further provide for distribution of the funds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 903, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Hill (With Notice and Proof):

**HB 904.** Relating to Shelby County; providing for the compensation of the Judge of Probate of Shelby County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 904, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 901, 902, 903, and 904 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Dolbare and Jackson (With Notice and Proof):

**HB 898.** Relating to Clarke County; to further provide for the operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 898, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Black (L) (With Notice and Proof):

**HB 934.** Relating to Sumter County; providing for an additional expense allowance and salary for the tax collector.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 934, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Black (L) (With Notice and Proof):

**HB 935.** Relating to Greene County; providing for the compensation of the members of the Greene County Board of Education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS



ATTACHED TO THE BILL, HB 935, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Black (L) (With Notice and Proof):

**HB 936.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Boligee in Greene County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 936, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 898, 934, 935, and 936 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. White (With Notice and Proof):

**HB 861.** Relating to Escambia County; to levy an additional privilege and license tax and to provide for the collection, distribution, and use of the net proceeds of the additional tax, contingent only upon the repeal of Escambia County Resolution/Ordinance Number 3, approved September 23, 1991.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 861, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 861 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. White (With Notice and Proof):

**HB 859.** Relating to the Town of Pollard, Alabama, in Escambia County; to amend Sections 1, 2, and 3 of Act No. 92-389, H. 747 of the 1992 Regular Session of the Alabama Legislature (Acts 1992, p. 798); to restrict the use of the Town of Pollard Trust Account; to require an audit of the account; to provide for the membership of the board of trustees of the account, to require that account earnings be maintained in a separate account; and to provide that the fund may be terminated by four-fifths of the electors voting in a special referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 859, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 859 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (L):

**HB 933.** Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games in Greene County for prizes or money by nonprofit organizations for charitable, educational, or other lawful purposes.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 933 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (With Notice and Proof):

**HB 860.** To abolish the Office of Coroner in Escambia County

and to establish the office of county medical examiner and assistant county medical examiners; to provide for the powers and duties of the county medical examiner, and the state medical examiners relative to deaths occurring in Escambia County; to provide for funding an an effective date; and to repeal conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 860, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 860 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clouse (With Notice and Proof):

**HB 832.** To provide for law enforcement powers for community corrections officers employed in the Houston County Work Release and Pretrial Release Program.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 832, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 832 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Robinson (With Notice and Proof):

**HB 748.** Relating to Jackson County; amending Section 4 of Act No. 89-265, H. 523 of the 1989 Regular Session (Acts 1989, p. 389), to remove the prohibition against the directors and chair serving more than two terms.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 748, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 748 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills

and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham (With Notice and Proof):

**HB 809.** Relating to Lee County; authorizing the sheriff to operate an inmate commissary for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 809, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Warren and Jackson (With Notice and Proof):

**HB 863.** Relating to Conecuh County, providing for the fee for the issuance of pistol permits, providing for the deposit of such fees in a fund known as The Sheriff's Fund, providing for the use of such fund and repealing Act 87-482, H. 997, 1987 Regular Session.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 863, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### **HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 809 and 863 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clouse, Seibenhener, Carothers, and Baker (With Notice and Proof):

**HB 870.** Relating to the City of Dothan in Houston County; to amend Section 2 of Act 543, H. 1252 of the 1977 Regular Session (Acts 1977, p. 711), providing for membership in the City of Dothan Pension and Retirement System, to provide for optional membership in the system for the city manager and the city attorneys; and to amend and reenact Section 4 of Act 91-487, H. 622 of the 1991 Regular Session (Acts 1991, p. 878), to provide further for the authorized investments of the pension board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 870, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 870 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Letson (With Notice and Proof):

**HB 827.** Relating to the Town of Courtland in Lawrence County;

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authorizing the Town of Courtland as a municipal corporation to establish, purchase, construct, maintain, and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by the municipal corporation in connection with the systems; providing for the payment of the bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 827, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 827 - to the Committee on Local Legislation No. 1

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McAdory (With Notice and Proof):

**HB 829.** Providing for a board of education for the City of Bessemer; providing that the members of the board shall be elected from defined districts; providing for the selection of a chair; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; and providing certain transitional provisions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS



ATTACHED TO THE BILL, HB 829, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 829 - to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. White (With Notice and Proof):

**HB 914.** Relating to Escambia County; authorizing the sheriff to operate a jail store or commissary for inmates; and providing for the deposit, distribution, and auditing of monies earned.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 914, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

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sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 914 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE GOVERNOR**

April 16, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Trust Fund.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 16th day of April, 1997.

April 16, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, AL 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Carl F. Bailey of Birmingham, Alabama, to serve as a member of the Alabama Trust Fund, effective April 16, 1997. The term of office will expire on October 1, 2003.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 16th day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, rela-

tive to an appointment to the Alabama Trust Fund, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rogers (J):

**HJR 320.** COMMENDING THE 65TH SOUTH EASTERN REGIONAL CONFERENCE OF ALPHA KAPPA ALPHA SORORITY, INC.

Also:

By Rep. Thomas (D):

**HJR 321.** COMMENDING SUE C. WILSON ON OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

By Reps. Page, Ford, and Galliher:

**HJR 322.** MOURNING THE DEATH OF FRED BASIL GILCHRIST OF GADSDEN, ALABAMA.

Also:

By Rep. Page:

**HJR 323.** MOURNING THE DEATH OF FLOYD L. GARRETT OF GADSDEN, ALABAMA.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Ghee, the Rules were suspended and the Resolution, HJR 320, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolutions, HJR's 321, 322, and 323, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Page:

**HJR 324.** MOURNING THE DEATH OF MARGARET RUTLEDGE REEVES OF GADSDEN, ALABAMA.

Also:

By Rep. Page:

**HJR 325.** MOURNING THE DEATH OF SHIRLEY JEAN BOHANNON YATES OF GADSDEN, ALABAMA.

Also:

By Rep. Parker (T):

**HJR 326.** RECOGNIZING MADELEINE HILL FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolutions, HJR's 324, 325, and 326, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### BUDGET ISOLATION RESOLUTION

Senator Ghee requested and received permission to suspend the Rules in order to bring up the Bill, SB 639.

Senator Ghee, B.I.R., SB 639, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Sanders, Smitherman, Steele, and Waggoner  
-25

Nays:

- 0

### BILLS ON THIRD READING

THE BILL:

**SB 639.** Relating to Calhoun County; establishing the Fort McClellan Development Commission; providing for the composition, terms, duties, and powers of the commission.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, SB 639, to-wit:

### AMENDMENT TO SB 639

Amend SB 639 on Page 6, Line 4, by deleting Section 8 in its entirety and renumbering the following existing sections accordingly.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Clay, Davidson, Denton, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Poole, Roberts, Smith, Steele, Waggoner, and Windom  
-25

Nays:

- 0

And said Bill, SB 639, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

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Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Butler, Clay, Davidson, Denton, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Myers, Poole, Roberts, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 317.** INVITING HANK WILLIAMS, JR., TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

By Rep. Box:

**HB 577.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology until October 1, 1999 with certain modifications; to amend Sections 34-7-7, 34-7-40, 34-7-41, and 34-7-46, Code of Alabama 1975, so as to limit the authority of the board; require the dismissal of current board members and the appointment of members to the board; provide further for the executive

director and employees of the board; and repeal Section 34-7-45, Code of Alabama 1975.

said Governor's Message being in words and figures as follows, to-wit:

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 577, without the Governor's signature and with a suggested Executive Amendment.

Done this 8th day of April, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the Governor.

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 577, without my signature, but with the following suggested Executive Amendment:

**EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 577:**

Please amend on page 2, line 24, by deleting the following underlined language "by and with the advice and consent of the".

Further amend on page 3, line 3, by deleting the underlined word "Senate". Also amend on line 3, after the word "district" and before the comma (,) by inserting the language and who resides therein.

Further amend on page 3, line 4, after the underlined word "active" and before the underlined word "licensed" by inserting the language full-time practicing.

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Further amend on page 3, lines 5 and 6 by deleting the following underlined language “who reside in the district he or she represents”.

Further amend on page 3, line 12, before the underlined word “Seven” by inserting the word The and also amend, after the underlined word “Seven” and before the underlined word “board”, by inserting the word initial.

Further amend on page 3, line 13, by deleting the underlined language “with the advice and consent of” and inserting in lieu thereof the language shall serve until and unless rejected by.

Further amend on page 3, line 23, after the word “by” and before the word “the” by inserting the words appointment of. Also amend on lines 23 and 24 by deleting the underlined language “with the advice and consent of the Senate”.

Further amend on page 6, line 10, by removing the underlined word “are” and inserting in lieu thereof the words shall be.

Further amend on page 6, lines 20 and 21, after the underlined word “director” by removing the underlined language “upon a majority vote of the members of the board”.

Further amend on page 6, lines 25 and 26, after the underlined word “director” by removing the underlined language “upon a majority vote of the board”.

The adoption of the above suggested Executive Amendments will remove my objections to this bill.

Done this 8th day of April, 1997.

Respectfully,

FOB JAMES, JR.,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 577, by a vote of a majority of those voting, said vote being: Yeas 77, Nays 8.

And said Bill, HB 577, together with the Executive amendment, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.



**HOUSE AND GOVERNOR'S MESSAGE**

On motion of Senator Bailey, the Senate non-concurred in the amendment proposed by His Excellency, the Governor, to the Bill, HB 577, the title of which and said Executive Amendment are set out in the foregoing Message from the House.

Yeas 19 Nays 3

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Denton, Escott-Russell, Freeman, Ghee, Hale, Langford, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Waggoner, and Windom -19

Nays:

Senators:

Adams, Lipscomb, and Smith - 3

And the Senate reconsidered the Bill, HB 577.

And said Bill, HB 577, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being:

Yeas 23 Nays 1

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Clay, Denton, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Steele, Waggoner, and Windom -23

Nay: Senator Smith - 1

**BUDGET ISOLATION RESOLUTION**

Senator Waggoner requested and received permission to suspend the Rules in order to bring up the Bill, HB 844.

Senator Waggoner, B.I.R., HB 844, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Barron, Bedford, Davidson, Denton, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain,

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Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner,  
and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**HB 844.** Relating to Shelby County, and particularly School Tax District No. 2 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such increased tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1997 to September 30, 1998 (the tax for which year will be due and payable October 1, 1998) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 2 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

was read a third time at length and passed.

Yeas 25 Nays 1

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Escott-Russell, Freeman, Ghee, Hill, Langford, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smitherman, Steele, Waggoner, and Windom -25

Nay: Senator Little - 1

**BUDGET ISOLATION RESOLUTION**

Senator Waggoner then requested and received permission to suspend the Rules in order to bring up the Bill, HB 845.

Senator Waggoner, B.I.R., HB 845, adopted.

Yeas 25 Nays 1

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Waggoner, and Windom -25

Nay: Senator Little

- 1

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 845.** Relating to Shelby County, and particularly School Tax District No. 1 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such increased tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1997 to September 30, 1998 (the tax for which year will be due and payable October 1, 1998) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 1 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

was read a third time at length and passed.

Yeas 25 Nays 1

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Butler, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Waggoner, and Windom -25

Nay: Senator Little

- 1

### RESOLUTION

Senator Butler requested and received permission to suspend the

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Rules in order to offer the following Senate Resolution, to-wit:

**SR 112.** REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. 585.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, S. 585, a copy of which is attached to this resolution and made a part hereof by reference:

(1) Is S. 585 a local bill or a general bill? If it is a local bill, is there a violation of Section 106 of the Constitution of Alabama of 1901, relating to advertising a proposed local bill, or a violation of Section 104(14) prohibiting the fixing of the punishment of a crime by a local law?

(2) If S. 585 is deemed a general bill, do its provisions constitute an unlawful delegation of legislative responsibility in violation of Sections 43 and 44 of the Constitution of Alabama of 1901, regarding the separation of powers and legislative powers?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, S. 585, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Senator Butler, the Resolution was adopted by the Senate.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**HB 119.** To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

and pending Poole amendment to the substitute, as amended, which said amendment is set out in the Journal of the Senate for the Twentieth Legislative Day, and said substitute, as amended, was offered on the Nineteenth Legislative Day.

On motion of Senator Sanders, said amendment was laid on the table.

Senator Barron offered the following amendment to the substitute, as amended, for the Bill, HB 119, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 119**

Amend the substitute, as amended, for HB 119 on page 13, line 6 after the word "Program:" by inserting the following:

"or \$200 per unit earned in the foundation program if House Bill 623 of the 1997 Regular Session fails to pass the Legislature and be signed by the Governor, or otherwise becomes law."

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 639.** Relating to Calhoun County; establishing the Fort McClellan Development Commission; providing for the composition, terms, duties, and powers of the commission.

PAT LINDSEY,  
Chairperson.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 320.** COMMENDING THE 65TH SOUTH EASTERN REGIONAL CONFERENCE OF ALPHA KAPPA ALPHA SORORITY, INC.

GREG PAPPAS,  
Clerk.

## SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**HB 844.** Relating to Shelby County, and particularly School Tax District No. 2 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such increased tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1997 to September 30, 1998 (the tax for which year will be due and payable October 1, 1998) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 2 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

Also:

**HB 845.** Relating to Shelby County, and particularly School Tax District No. 1 in said County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901, by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such increased tax to be levied and collected in said District by the governing body of Shelby County for each year beginning with the levy for the tax year October 1, 1997 to September 30, 1998 (the tax for which year will be due and payable October 1, 1998) and ending with the levy for the tax year October 1, 2016 to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) for public school purposes; provided that the

aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of School Tax District No. 1 in Shelby County at an election called and held in accordance with the applicable laws governing such elections.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **FURTHER CONSIDERATION OF HB 119**

The Senate proceeded to further consideration of the Bill, HB 119. The question was on the Barron amendment to the substitute, as amended.

### **RECESS**

At 12:35 P.M., on motion of Senator Sanders, the Senate took a recess until 1 o'clock P.M.

The recess period having expired, at 1 o'clock P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

### **FURTHER CONSIDERATION OF HB 119**

The Senate proceeded to further consideration of the Bill, HB 119. The question was on the Barron amendment to the substitute, as amended.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 95.** To amend Section 38-10-8, Code of Alabama 1975, to further provide for support collections by the Department of Human Re-

sources; and to provide for the distribution of support arrearage collections among all support orders relating to the obligor.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 51.** To establish within the Department of Industrial Relations a State Directory of New Hires; to provide new hire, recall, and rehire information reporting procedures for employers; to provide new hire, recall, and rehire information collection, reporting, and disclosure procedures for the Department of Industrial Relations; to provide wage, unemployment compensation, and workers' compensation information reporting and disclosure procedures; to authorize access to directory and employment security information; to establish safeguards for the dissemination of information; to authorize reimbursement for exchanges of information; to require the state to maintain an Income Eligibility Verification System and to provide for a waiver of this requirement; to provide for the collection of food stamp overissuances; to require the Department of Revenue to identify and furnish to the Department of Industrial Relations information on all employers in the state paying wages; to authorize the Director of Industrial Relations or the Commissioner of Human Resources to promulgate rules and regulations for the implementation and administration of the act; to prescribe administrative penalties for violation of the act; and to specify a prospective effective date.

GREG PAPPAS,  
Clerk.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

**SB 51.** To establish within the Department of Industrial Relations a State Directory of New Hires; to provide new hire, recall, and rehire



information reporting procedures for employers; to provide new hire, recall, and rehire information collection, reporting, and disclosure procedures for the Department of Industrial Relations; to provide wage, unemployment compensation, and workers' compensation information reporting and disclosure procedures; to authorize access to directory and employment security information; to establish safeguards for the dissemination of information; to authorize reimbursement for exchanges of information; to require the state to maintain an Income Eligibility Verification System and to provide for a waiver of this requirement; to provide for the collection of food stamp overissuances; to require the Department of Revenue to identify and furnish to the Department of Industrial Relations information on all employers in the state paying wages; to authorize the Director of Industrial Relations or the Commissioner of Human Resources to promulgate rules and regulations for the implementation and administration of the act; to prescribe administrative penalties for violation of the act; and to specify a prospective effective date.

Also:

**SB 95.** To amend Section 38-10-8, Code of Alabama 1975, to further provide for support collections by the Department of Human Resources; and to provide for the distribution of support arrearage collections among all support orders relating to the obligor.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### **FURTHER CONSIDERATION OF HB 119**

The Senate proceeded to further consideration of the Bill, HB 119. The question was on the Barron amendment to the substitute, as amended.

### **PETITION**

At 1:40 P.M., the Standing Committee on Rules filed the following Petition, to-wit:

**PETITION TO CLOSE DEBATE**

We, the undersigned members of the Senate Rules Committee, petition the Senate, pursuant to Senate Rule 20, that debate on the pending measure HB 119, shall cease at 2:15 P.M., on April 17, 1997.

PAT LINDSEY  
BOBBY DENTON  
HANK SANDERS  
DEWAYNE FREEMAN  
ROGER BEDFORD  
STEVE WINDOM

Which was adopted.

Yeas 22 Nays 4

Yeas:

Senators:

Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, McClain, Mitchell, Mitchem, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

Senators:

Adams, Lipscomb, Little, and Poole - 4

**FURTHER CONSIDERATION OF HB 119**

The Senate proceeded to further consideration of the Bill, HB 119. The question was on the Barron amendment to the substitute, as amended.

On motion of Senator Sanders, said amendment was laid on the table.

Yeas 20 Nays 7

Yeas:

Senators:

Amari, Bailey, Bedford, Butler, Clay, Denton, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, McClain, Mitchell, Poole, Roberts, Sanders, Smitherman, Steele, and Windom -20

Nays:

Senators:

Adams, Barron, Biddle, Davidson, Mitchem, Myers, and Waggoner - 7

Senator Bailey offered the following amendment to the substitute, as amended, for the Bill, HB 119, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 119**

Amend the substitute, as amended, for HB 119, on page 36 by deleting lines 28 through 31 in their entirety and on page 37 by deleting lines 1 through 30 in their entirety and by substituting in lieu thereof the following:

		Fund Sources Included In <u>Appropriation Total</u>
		ETF                      Earmarked                      Appropriation Funds                      Total
42. YOUTH SERVICES, DEPARTMENT OF:		
(a) Financial Assistance Program ...		4,715,875
The above appropriation for Financial Assistance Program includes 4,081,615 of ETF monies. The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.		
(b) Community Educational Programs .....		3,563,228
Of the above appropriation, \$100,000 shall be allocated to COARMM. The remainder of the above appropriation shall be used for the support and maintenance of existing C.I.T.Y. programs in Etowah, Jefferson, Madison, Mobile, Montgomery, Tuscaloosa, Chilton, Houston and Dallas Counties. In addition to the above appropriation, there is hereby appropriated \$100,000 for a C.I.T.Y. program in Russellville; \$100,000 to the C.I.T.Y. program-Lee County; and \$350,000 for Morgan		

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		Fund Sources Included <u>In Appropriation Total</u>	
	ETF	Earmarked Funds	Appropriation Total
<hr/>			
County C.I.T.Y. program all to be conditioned upon the availability of funds in the ETF and the approval of the Governor.			
SOURCE OF FUNDS:			
(1) ETF .....	7,644,843		
(2) Federal and Local Funds .....		634,260	
<hr/>			
Total Department of Youth Services .....	7,644,843	634,260	8,279,103"

Which was adopted.

And the following substitute, as amended, was then adopted.

**SUBSTITUTE FOR HB 119, AS AMENDED**

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

**SECTION 1.** There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1998, for debt service, and for capital outlay to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 and 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ETF" shall mean the Education Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

**SECTION 2.** (a) The appropriations provided for in this Act shall be paid

from funds in the State Treasury to the credit of the Education Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1998, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 et seq.), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 et seq.), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

		Fund Sources Included <u>In Appropriation Total</u>	
		ETF	Earmarked Funds      Appropriation Total
<b>SECTION 3.</b>			
<b>STATE AGENCIES:</b>			
<b>1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:</b>			
(a) Support of Other Educational Activities Program ..			91.634
SOURCE OF FUNDS:			
(1) ETF .....	91,634		
Total American Legion and Auxiliary Scholarships .....	91,634		91.634
To be expended under the provisions of Code of Alabama 1975, Sections 16-31-1 through 16-31-4.			
<b>2. ARCHIVES AND HISTORY, DEPARTMENT OF:</b>			
(a) Historical Education Management Program .....			485.000
SOURCE OF FUNDS:			
(1) ETF .....	485.000		

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		Fund Sources Included In Apropriation Total	
	ETF	Earmarked Funds	Appropriation Total
Total Department of Ar- chives and History .....	485,000		485,000
<b>3. ARTS, STATE COUNCIL ON THE:</b>			
(a) Fine Arts Program .....			2,508,423
SOURCE OF FUNDS:			
(1) ETF .....	2,008,423		
(2) Federal and Local Funds .....		500,000	
Total State Council on the Arts .....	2,008,423	500,000	2,508,423
<b>4. BUILDING COMMISSION, STATE:</b>			
(a) Special Services Program ..			340,206
SOURCE OF FUNDS:			
(1) ETF-Transfer .....	340,206		
Total State Building Com- mission .....	340,206		340,206
In addition to the above ap- propriation, there is condi- tionally appropriated the sum of \$200,000 from the ETF to be conditioned upon the availability of funds in the ETF, the recommenda- tion of the Director of Fi- nance and the approval of the Governor.			
<b>5. PENNY TRUST FUND- BUSKEY MATCHING FUNDS:</b>			
(a) Special Services Program, Estimated .....			40,000
SOURCE OF FUNDS:			
(1) ETF-Transfer .....	40,000		
Total Penny Trust Fund- Buskey Matching Funds ....	40,000		40,000
In accordance with Sections 41-15A-10 through 41-15A- 12, Code of Alabama 1975. It is the intent of the Legis-			

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	Fund Sources Included In Appropriation Total		
	ETF	Earmarked Funds	Appropriation Total

lature that any of the above appropriation that is not needed to match contributions shall be deposited into the Penny Trust Fund.

**6. CHILD ABUSE AND NEGLECT PREVENTION BOARD:**

(a) Social Services Program ....			1,991,230
In accordance with Sections 26-16-1 et seq., Code of Alabama 1975.			
SOURCE OF FUNDS:			
(1) ETF-Transfer .....	1,991,230		
Total Child Abuse and Neglect Prevention Board .....	1,991,230		1,991,230

In addition to the above appropriation there is conditionally appropriated \$500,000 to the Child Abuse and Neglect Prevention Board to be conditioned on the availability of funds in the ETF, the recommendation of the Director of Finance and the approval of the Governor. This conditional appropriation shall be first priority conditional appropriation and it shall be released in full before the release of any other conditional appropriation from the ETF in FY 1998.

**7. DEBT SERVICE:**

(a) Debt Service Program .....	13,232,222
For payments on interest and principal of General Obligation Refunding Bonds 1992, Series A and B ... 12,208,418	
In the event it is determined that funds should be transferred from the ETF to the State General Fund for reimbursement of sales taxes on	

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	ETF	Earmarked Funds	Appropriation Total
automobiles erroneously deposited into the ETF, the amount of ETF funds required to be transferred, up to the amount of the above appropriation for debt service on General Obligation Refunding Bonds 1992, Series A and B, shall be expended for such debt service. For payments on endowments as follows:			
For interest and principal on University of Montevallo (Alabama College) Endowment .....	409,060		
For interest on Auburn University Endowment ..	20,280		
For interest on University of Alabama Endowment .....	61,000		
For interest on Grove Hill Endowment .....	600		
For interest on Public School Fund Endowment:			
Interest on 16th Section Lands, Estimated ..	410,000		
Interest on School Indemnity Lands, Estimated ....	90,000		
Interest on Valueless 16th Section Lands .....	5,825		
Interest on Surplus Revenue .....	26,764		
Interest on James Wallace Fund .....	275		
Total Interest on Public School Fund Endowment .....	532,864		
SOURCE OF FUNDS:			
(1) ETF.....	12,699,358		
(2) ETF-Transfer .....	532,864		
Total Debt Service .....	13,232,222		13,232,222

8. DENTAL SCHOLARSHIP  
AWARDS, BOARD OF:

- (a) Support of Other Educational Activities Program ..

121,854



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	Fund Sources Included <u>In Appropriation Total</u>		
	ETF	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) ETF .....	121,854		
Total Board of Dental Scholarship Awards .....	121,854		121,854
To be expended under the provisions of Code of Ala- bama 1975, Sections 16-47- 76 through 16-47-81.			

**9. DRUG EDUCATION AND  
AWARENESS OVERSIGHT  
COUNCIL:**

(a) Support of Other Educa- tional Activities Program ..			793,253
SOURCE OF FUNDS:			
(1) ETF .....	793,253		
Total Drug Education and Awareness Oversight Council .....	793,253		793,253
To be expended under the provisions of Code of Ala- bama 1975, Sections 41-25- 1 through 41-25-5. It is in- tent that programs funded in FY 1997 appropriation be at least level funded in FY 1998 budget, and any addi- tional monies be used for new programs.			

**10. EDUCATION, STATE BOARD  
OF - K-12 FOUNDATION  
PROGRAM:**

(a) Foundation Program .....	2,504,315,903
(b) Transportation Program .....	156,840,252
Of the above appropriation, the amount necessary to fund a transportation program for alternative and gifted stu- dents in any school system in a Class I municipality shall be calculated in the dis- tribution formula by the State Department of Educa- tion for the transportation	

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Fund Sources Included In Appropriation Total			
	ETF	Earmarked Funds	Appropriation Total
program.			
(c) Board of Adjustment .....			450,000
(d) At-Risk Student Program ..			25,612,500
The above appropriation shall be used to develop programs that address the needs of at-risk students as defined by the State Department of Education. These programs shall provide additional services that increase the amount and quality of instructional time with extended learning time opportunities including but not limited to before and after school programs, summer programs, tutoring programs, weekend programs, and alternative schools. A portion of the appropriation may also be used for training parents and teachers to work with at-risk students and to provide services that meet identified critical needs of at-risk students.			
(e) Endowment Interest Program - Public School Fund ..			532,864
(f) Hold Harmless Program - Public School Fund .....			10,941,372
(g) Capital Outlay Program - Public School Fund .....			67,058,628
SOURCE OF FUNDS:			
(1) ETF.....	2,474,350,685		
(2) Public School Fund.....		78,532,864	
(3) Local Funds .....		212,867,970	
Total State Board of Education - K-12 Foundation Program .....	2,474,350,685	291,400,834	2,765,751,519
The above appropriation shall be distributed by the State Board of Education in accordance with the provisions of the Code of Alabama 1975, Sections 16-13-230 through 16-13-239, and all other laws and regula-			

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ETF	Earmarked Funds	Appropriation Total
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tions of the State Board of Education relating to the expenditure of such funds. These funds shall be used to provide a minimum school term and for equitable educational opportunities in the public schools of the state. Foundation Program calculations for FY 1997-98 are based on the funding divisors set forth below. Such divisors shall not serve to prescribe pupil-teacher ratios, but it is the intent of the Legislature that class sizes for the 1997-98 academic year be reduced from the class sizes actually experienced in the 1996-97 academic year.

Grades K-3 : 14  
Grades 4-6 : 22  
Grades 7-8 : 21  
Grades 9-12 : 18

In allocating the funds in subsection (a) the State Board of Education shall allot funds based on the rates established as follows: The Foundation Program shall use the following salary matrix to determine the cost of instructional salaries:

<u>Years</u>	<u>BS</u>	<u>MS</u>	<u>6Y</u>	<u>DO</u>	<u>ND</u>
exp < 3	25,882	29,764	32,093	34,423	25,882
3 ≤ exp < 6	28,470	32,740	35,303	37,865	28,470
6 ≤ exp < 9	28,858	33,187	35,784	38,381	28,858
9 ≤ exp < 12	29,246	33,633	36,265	38,898	29,246
12 ≤ exp < 15	29,634	34,080	36,747	39,414	29,634
15 ≤ exp < 18	30,023	34,526	37,228	39,930	30,023
18 ≤ exp < 21	30,411	34,973	37,710	40,447	30,411
21 ≤ exp	30,799	35,419	38,191	40,963	30,799

For "Fringe Benefits" the rate per day for two personal

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<p>days and five sick days (for units earned in the Foundation Program) shall be \$35. The Teachers' Retirement System rate shall be 9.76% of salaries and the Public Education Employees' Health Insurance Program rate shall be \$200 per month for each full-time employee. In addition to the above appropriation from the Foundation Program for the Public Education Employees' Health Insurance Board, there is hereby appropriated to the Foundation Program for the Public Education Employees' Health Insurance Program from the ETF such additional amount as may be necessary to fully fund health claims plus maintain a 12% reserve in the Public Education Employees' Health Insurance Program Fund based on claims paid in the fiscal year beginning October 1, 1997. At the end of each quarter of the fiscal year beginning October 1, 1997, the Public Education Employees' Health Insurance Program Board shall certify to the State Finance Director and the Legislative Fiscal Officer the amount of paid claims for that quarter and the Board's best estimate of the amount necessary to pay claims for the remainder of the fiscal year and the amount necessary to maintain a 12% reserve based on such estimate for the fiscal year ending September 30, 1998. By September 15, 1998, the Public</p>		

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Fund Sources Included  
In Appropriation Total

ETF	Earmarked Funds	Appropriation Total
<p>Education Employees' Health Insurance Program Board shall certify to the State Finance Director and the Legislative Fiscal Officer the amount of paid claims through August 31, 1998. The State Finance Director shall direct that the additional amount necessary to insure that the Public Education Employees' Health Insurance Program actual claims paid through August 31, 1998 and a reasonable estimate of claims to be paid in September 1998 based on actual paid claims through August are fully paid plus the additional amount necessary for the maintenance of a 12% reserve based on paid claims for fiscal year 1998 shall be transferred from the ETF to the Public Education Employees' Health Insurance Program Fund. Such transfer must be made prior to September 30, 1998.</p> <p>For "Classroom Instructional Support" the uniform amounts used in determining the Foundation Program allowance for classroom instructional support shall be: (1) classroom materials and supplies at \$500 per unit earned in the Foundation Program; (2) textbooks at \$52.50 per pupil in average daily membership during the first forty scholastic days of the preceding school year; (3) technology at \$75 per unit earned in the Foundation Program; (4) professional development at \$60 per unit earned in the Foun-</p>		

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	ETF	Earmarked Funds	Appropriation Total
dation Program; (5) library enhancement at \$135 per unit earned in the Foundation Program. The library enhancement appropriation shall be for K-12 Public School Library/Media Centers and is an absolute appropriation. Other expenditures may include book binding, repair, CD ROMs, computer software, computer equipment, cataloging, audio-visual materials, newspapers, magazines, recordings, and video tapes. Notwithstanding the foregoing, the budgeting and expenditure of funds in subsection (a) at the local level shall be determined and made by the local board of education in accordance with rules and regulations of the State Board of Education and all laws governing such school budgets and expenditures.			

11. **EDUCATION, STATE BOARD OF - POSTSECONDARY PRISON EDUCATION:**

(a) Operations and Maintenance .....	8,320,821	2,981,555	11,302,376
(b) Restricted Funds .....		2,300,250	2,300,250
SOURCE OF FUNDS:			
(1) ETF .....	8,320,821		
(2) Federal and Other Funds .....		5,281,805	
Total State Board of Education - Postsecondary Prison Education .....	8,320,821	5,281,805	13,602,626
The Operations and Maintenance appropriation above to the State Board of Education for Postsecondary Prison Education is to be distrib-			

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Fund Sources Included In Appropriation Total			
	ETF	Earmarked Funds	Appropriation Total
<p>uted to colleges listed herein on a needs basis as determined by the State Board of Education pursuant to a recommendation by the Chancellor. The allocations required herein shall be distributed among the following colleges: (1) John C. Calhoun State Community College; (2) Jefferson Davis State Community College; (3) Gadsden State Community College; (4) J.F. Ingram State Technical College; (5) Theodore A. Lawson State Community College; and (6) Chauncey Sparks State Technical College.</p>			
<b>12. EDUCATION, STATE BOARD OF - POSTSECONDARY SKILLS TRAINING AND EDUCATION:</b>			
(a) Operations and Maintenance .....			23,215,893
SOURCE OF FUNDS:			
(1) Federal and Local Funds .....		23,215,893	
Total State Board of Education - Postsecondary Skills Training and Education .....		23,215,893	23,215,893
<b>13. EDUCATION, STATE BOARD OF - TWO-YEAR COLLEGE SYSTEM:</b>			
(a) Operations and Maintenance .....	187,613,626	96,403,607	284,017,233
Of the above appropriation for Operations and Maintenance, \$300,000 shall be expended for libraries.			
(b) Program Enhancements .....	825,000		825,000
(c) Coosa Valley Nursing Program at Central Alabama Community College .....	100,693		100,693

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	Fund Sources Included <u>In Appropriation Total</u>		
	ETF	Earmarked Funds	Appropriation Total
(d) Small Business Assistance- Public-Private Partnership Program .....	150,000		150,000
(e) Auxiliary Enterprises .....		20,005,510	20,005,510
(f) Restricted Funds .....		74,374,750	74,374,750
SOURCE OF FUNDS:			
(1) ETF .....	188,689,319		
(2) Federal and Other Funds .....		190,783,867	
Total State Board of Educa- tion - Two-Year College System .....	188,689,319	190,783,867	379,473,186

(1) Each community, junior and technical college shall receive the same proportionate share from the appropriation for Operations and Maintenance as was received during the 1996-97 fiscal year for Operations and Maintenance and the 4% pay raise. The allocations required herein shall be distributed among the following colleges: (1) Alabama Aviation and Technical College; (2) Alabama Southern Community College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) Beville State Community College; (6) S.D. Bishop State Community College; (7) John C. Calhoun State Community College; (8) Central Alabama Community College; (9) Chattahoochee Valley State Community College; (10) J.F. Drake State Technical College; (11) Enterprise State Junior College; (12) Faulkner State Community College; (13) Gadsden State Community College; (14) J.F. Ingram State Technical College; (15) Jefferson Davis State Community College; (16) Jefferson State Community College; (17) Theodore A. Lawson State Community College; (18) Lurleen B. Wallace State Junior College; (19) Douglas MacArthur State Technical College; (20) Northeast Alabama State Community College; (21) Northwest-Shoals Community College; (22) John M. Patterson State Technical College; (23) Ed E. Reid State Technical College; (24) Shelton State Community College; (25) Snead State Community College; (26) Chauncey Sparks State Technical College; (27) Southern Union State Community College; (28) Council Trenholm State Technical College; (29) George C. Wallace State Community College (Dothan); (30) George C. Wallace State Community College (Hanceville); (31) George C. Wallace State Community College (Selma).

(2) The appropriation in (d) above for the Small Business Assistance-Public-Private Partnership Program shall be allocated to George C. Wallace State Community College (Selma).



(3) There is hereby appropriated \$100,000 to the Nursing Program at Ayers State Technical College to be conditioned on the availability of funds in the ETF and the approval of the Governor.

(4) In addition to the above appropriation, there is hereby appropriated \$1,000,000 to be conditioned on the availability of funds in the ETF and the approval of the Governor. This shall be a third priority conditional after the automatic conditional to the institutions of higher education and the first priority conditional to the Child Abuse and Neglect Prevention Board and shall be released prior to the release of any further conditionals from the ETF.

Fund Sources Included  
In Appropriation Total

ETF	Earmarked Funds	Appropriation Total
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**14. EDUCATION, STATE DE-  
PARTMENT OF:**

- (a) Administrative Services Program ..... 54,732,721  
The proposed spending plan for the ETF monies included in the above program is as follows:  
Operations and Maintenance of Department .. 15,914,827  
Of the above appropriation, \$12,750 shall be allocated for reimbursement of every state institution of higher learning, college, university, community college, technical college, or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12.  
Civic Education Project ..... 150,000  
Alabama Magnet Mall ..... 657,796  
Dropout Prevention Pilot Project ..... 125,000  
The pilot project for dropout prevention shall be expended to fund the implementation of strategies

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	ETF	Earmarked Funds	Appropriation Total
deemed effective in reducing the incidence of dropouts and it shall fund programs for students whose education was interrupted for disciplinary reasons. It shall be utilized to allow those students to complete their high school diplomas, GED preparation, or vocational education (for age-qualified students). Constitution Village, Citizenship and Character and Leadership Education ..... 400,000 Birmingham City Board of Education for expansion of alternative school programs and for a boot camp program there is hereby conditionally appropriated the sum of \$500,000 from the ETF to be conditioned on the availability of funds and the approval of the Governor. SOURCE OF FUNDS: (1) ETF ..... 17,247,623 (2) Federal and Local Funds ..... 37,485,098 Total Administrative Services Program ..... 17,247,623      37,485,098      54,732,721			
(b) At-Risk Student Program .. SOURCE OF FUNDS: (1) ETF ..... 2,387,500 Total At-Risk Student Program ..... 2,387,500      2,387,500			
The above appropriation is to be used for providing assistance in serving at-risk students in the local school system.			
(c) Adult Basic Education Program ..... 12,893,502 SOURCE OF FUNDS: (1) ETF ..... 5,681,315 (2) Federal and Local Funds ..... 7,212,187			

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Fund Sources Included <u>In Appropriation Total</u>			
	ETF	Earmarked Funds	Appropriation Total
Total Adult Basic Education Program .....	5,681,315	7,212,187	12,893,502
Of the above appropriation, \$80,000 shall be allocated to the Education Alternative Program. It is the intent of the Legislature that the State Superintendent of Education shall utilize the above appropriation to provide basic educational services to the maximum number of welfare recipients that is practical.			
(d) Community Education Program .....			1,156,296
SOURCE OF FUNDS:			
(1) ETF .....	1,031,296		
(2) Federal and Local Funds .....		125,000	
Total Community Education Program .....	1,031,296	125,000	1,156,296
Of the above appropriation to Community Education, \$80,000, in addition to the amount that is normally allocated, shall be allocated to the Birmingham City Community Education Program.			
(e) Financial Assistance Program .....			366,438,380
The proposed spending plan for the ETF monies included in the above program is as follows:			
Pre-School Program .....	2,512,096		
Teacher In-service Centers .....	2,649,463		
The State Board of Education shall administer the In-service Educational Centers and shall monitor said centers for compliance with established accountability standards. The above appropriation is to be made to each in-service center based on the number of Foundation			

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Fund Sources Included In <u>Apropriation Total</u>			
	ETF	Earmarked Funds	Appropriation Total
<p>Program teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1996-97, and the number of teachers employed as reported on the 1996-97 LEA Personnel Report. Each in-service center shall be affiliated with the same region each center served on October 1, 1987. In addition, the appropriation made above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education.</p>			
SOURCE OF FUNDS:			
(1) ETF .....	5,161,559		
(2) Federal and Local Funds.....		361,276,821	
Total Financial Assistance Program .....	5,161,559	361,276,821	366,438,380
(f) Alabama Science in Motion Program .....			2,475,000
SOURCE OF FUNDS:			
(1) ETF-Transfer .....	2,475,000		
Total Alabama Science in Motion Program .....	2,475,000		2,475,000
<p>It is the Legislature's intent to reappropriate all previously appropriated funds that remain unexpended in the Educational Technology Fund for this program and that all appropriations to this program be expended in accordance with Title 16, Chapters 61B and 61C, Code of Alabama 1975.</p>			
(g) Teaching Children with Disabilities Program .....			100,000
SOURCE OF FUNDS:			
(1) ETF .....	100,000		
Total Teaching Children			

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		<u>Fund Sources Included In Appropriation Total</u>	
		ETF	Earmarked Funds
			Appropriation Total
	with Disabilities Program .	100,000	100,000
(h)	Alabama Center for Law and Civic Education .....		56,000
	SOURCE OF FUNDS:		
	(1) ETF .....	56,000	
	Total Alabama Center for Law and Civic Education ..	56,000	56,000
(i)	Disability Determination for Social Security Program ....		34,078,607
	SOURCE OF FUNDS:		
	(1) Federal and Local Funds.....	34,078,607	
	Total Disability Determina- tion for Social Security Program .....	34,078,607	34,078,607
	TOTAL DEPARTMENT OF EDUCATION:		
	SOURCE OF FUNDS:		
	(1) ETF .....	34,140,293	
	(2) Federal and Local Funds.....	440,177,713	
	GRAND TOTAL STATE DEPARTMENT OF EDU- CATION .....	34,140,293	440,177,713
			474,318,006

**15. EDUCATIONAL TELEVI-  
SION COMMISSION:**

(a)	Educational Television and Pub- lic Radio Service Program 7,183,639		
(b)	Capital Outlay Program.....		127,500
	The above appropriation is for equipment replacement/ upgrade purposes.		
	SOURCE OF FUNDS:		
	(1) ETF .....	5,976,389	
	(2) Federal and Local Funds.....	1,334,750	
	Total Educational Televi- sion Commission .....	5,976,389	1,334,750
			7,311,139

**16. EXAMINERS OF PUBLIC  
ACCOUNTS, DEPART-  
MENT OF:**

- (a) Educational Audit Services

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		Fund Sources Included In Apropriation Total	
	ETF	Earmarked Funds	Appropriation Total
Program .....			1,823,994
SOURCE OF FUNDS:			
(1) ETF .....	1,823,994		
Total Department of Examiners of Public Ac- counts .....	1,823,994		1,823,994
<b>17. FAMILY PRACTICE RURAL HEALTH BOARD:</b>			
(a) Family Practice Rural Health Program .....			733,540
SOURCE OF FUNDS:			
(1) ETF .....	733,540		
Total Family Practice Rural Health Board .....	733,540		733,540
<b>18. FINANCE, DEPARTMENT OF - TELECOMMUNICA- TIONS DIVISION, TELE- PHONE REVOLVING FUND:</b>			
(a) Administrative Support Services Program .....			3,458,333
SOURCE OF FUNDS:			
(1) ETF-Transfer .....	3,458,333		
Total Department of Fi- nance - Telecommunications Division, Telephone Re- volving Fund .....	3,458,333		3,458,333
The Telephone Revolving Fund shall assess to using agencies and institutions any additional amount necessary to provide continuing non- interrupted service of a mini- mum maintenance level.			
<b>19. FINE ARTS, ALABAMA SCHOOL OF:</b>			
(a) Fine Arts Program .....			4,239,410
SOURCE OF FUNDS:			
(1) ETF .....	3,544,723		
(2) Federal and Local Funds .....		694,687	

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		Fund Sources Included <u>In Appropriation Total</u>		
		ETF	Earmarked Funds	Appropriation Total
Total Alabama School of Fine Arts .....		3,544,723	694,687	4,239,410
<b>20. FIREFIGHTERS' PERSON- NEL STANDARDS AND EDUCATION COMMIS- SION, ALABAMA/ALA- BAMA STATE FIRE COL- LEGE SHELTON STATE COMMUNITY COLLEGE:</b>				
(a) Operations and Mainte- nance .....	2,836,143	1,707,937	4,544,080	
(b) Auxiliary Enterprises .....		1,102,040	1,102,040	
SOURCE OF FUNDS:				
(1) ETF .....	2,836,143			
(2) Federal and Other Funds.....		2,809,977		
Total Alabama Firefighters' Personnel Standards and Education Commission/Ala- bama State Fire College - Shelton State Community College .....				
	2,836,143	2,809,977	5,646,120	
<b>21. HIGHER EDUCATION, ALABAMA COMMISSION: ON:</b>				
(a) Planning and Coordination Services Program .....			2,566,808	
The proposed spending plan for the ETF monies included in the above program is as follows:				
Operations and Mainte- nance .....	2,566,808			
SOURCE OF FUNDS:				
(1) ETF .....	2,566,808			
Total Planning and Coordi- nation Services Program (Total Operations) .....				
	2,566,808		2,566,808	
(b) Student Financial Aid Pro- gram .....			10,000,707	
The proposed spending plan for the ETF monies included				

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In Appropriation Total

	ETF	Earmarked Funds	Appropriation Total
in the above program is to be distributed through ACHE as follows:			
(1) Educational Grants Program .....	6,100,000		
(2) Alabama National Guard Educational Assistance .....	600,000		
To be expended in accordance with Code of Alabama 1975, Sections 31-10-1 through 31-10-4 and Sections 31-10-20 through 31-10-25.			
(3) Teacher Education Scholarship Loan Program .....	1,600,000		
To be expended in accordance with Code of Alabama 1975, Section 16-23-24. Of the above appropriation, \$150,000 shall be expended for instructional equipment.			
(4) Chiropractic Scholarships .....	37,986		
To be expended in accordance with Code of Alabama 1975, Section 16-5-11.			
(5) Policeman's Survivor Tuition, Estimated .....	60,000		
To be expended under the provisions of Code of Alabama 1975, Section 36-21-105.			
(6) Alabama Student Assistance Program .....	1,547,471		
SOURCE OF FUNDS:			
(1) ETF .....	8,345,457		
(2) ETF-Transfer .....	1,600,000		
(3) Federal and Local Funds .....		55,250	
Total Student Financial Aid Program .....	9,945,457	55,250	10,000,707
(c) Support of Other Educa-			



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Fund Sources Included <u>In Appropriation Total</u>			
	ETF	Earmarked Funds	Appropriation Total
tional Activities Program ..			2,908,792
The proposed spending plan for the ETF monies included in the above program is to be distributed through ACHE as follows:			
(1) Network of Alabama Academic Libraries (NAAL) .....			400,000
It is the intent of the Legis- lature that ACHE shall pro- vide for the participation of Athens State College in the Network of Alabama Aca- demic Libraries.			
(2) Southern Regional Edu- cation Board (SREB) .....			584,650
(3) EPSCoR-National Science Foundation Program .....			600,000
(4) Computer-Based Artic- ulation System ..			446,461
To fund Troy State Uni- versity for developing and operating a state- wide computer-based ar- ticulation system to serve all four-year and two- year postsecondary insti- tutions in the State of Alabama.			
(5) Governor's Commission on Historically Black Colleges and Uni- versities .....			100,000
To be expended pursuant to Executive Order No. 21.			
SOURCE OF FUNDS:			
(1) ETF .....	2,131,111		
(2) Federal and Local Funds .....		777,681	
Total Support of Other Ed- ucational Activities Pro- gram .....	2,131,111	777,681	2,908,792
(d) Alabama Guaranteed Stu- dent Loan Program .....			2,278,884

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		Fund Sources Included In Appropriation Total	
	ETF	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) Federal and Local Funds.....		2,278,884	
Total Alabama Guaranteed Student Loan Program .....		2,278,884	2,278,884
TOTAL ALABAMA COM- MISSION ON HIGHER EDUCATION:			
SOURCE OF FUNDS:			
(1) ETF .....	14,643,376		
(2) Federal and Local Funds.....		3,111,815	
GRAND TOTAL ALA- BAMA COMMISSION ON HIGHER EDUCATION .....	14,643,376	3,111,815	17,755,191
<b>22. HUMAN RESOURCES, DE- PARTMENT OF:</b>			
(a) Jobs Opportunities and Basic Skills Training (JOBS) Program .....			4,134,058
(b) JOBS Child Care and After School Child Care Pro- gram .....			3,731,195
SOURCE OF FUNDS:			
(1) ETF-Transfer .....	7,865,253		
Total Department of Human Resources .....	7,865,253		7,865,253
Of the total state and federal dollars received by the Department of Human Re- sources for the JOBS pro- gram, at least \$600,000 shall be used to contract with the Department of Education- Adult Basic Education Pro- gram for educational ser- vices to JOBS participants. Of the above appropriation, \$25,000 shall be allocated for the Essie Floyd Day Care Center; \$20,000 shall be al- located to the Stillman Day Care; and \$35,000 shall be allocated to the McCrae Learning Center. In addition			

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Fund Sources Included  
In Appropriation Total

ETF	Earmarked Funds	Appropriation Total
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to the above appropriation to the Department of Human Resources, there is hereby appropriated \$10 million from the ETF for child care services for families transitioning off welfare and low income working families to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

**23. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:**

(a) Operations and Maintenance Program .....	2,047,697	2,047,697
(b) Industrial Development and Training Program .....	7,476,273	7,476,273
<b>SOURCE OF FUNDS:</b>		
(1) ETF .....	9,523,970	
Total Alabama Industrial Development Training Institute .....	9,523,970	9,523,970

Of the above appropriation to the Alabama Industrial Development Training Institute, \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program; \$500,000 shall be expended to fund the operations of the Michelin Training Center; \$500,000 shall be expended for Training for Business and Industry at Shelton State Community College; \$300,000 shall be expended for the Minority Technology and Entrepreneurial Center at Bishop State Community College; \$300,000 shall be expended for the Job Retraining/Economic Development Coop-

Fund Sources Included  
In Appropriation Total

ETF	Earmarked Funds	Appropriation Total
erative related to Military Base Closure in Calhoun County; \$200,000 shall be expended for the Alabama Southern Community College for Paper/Chemical Production Training; \$500,000 shall be expended for retraining programs for Gulf States Steel Corporation and for Goodyear Tire Company to be conducted by Gadsden State Community College; \$500,000 shall be expended by Jefferson State Community College for the International Standardization Organization (ISO 9000 program); and \$300,000 shall be expended for the Science Center for Excellence in Aqua-agriculture at Faulkner State Community College/Fairhope. In addition to the above appropriation to the Alabama Industrial Development Training Institute, there is also hereby conditionally appropriated the sum of \$5,000,000 to be expended for automotive industry training to be conditioned on the availability of funds in the ETF, the recommendation of the Director of Finance and the approval of the Governor.		

24. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program ..		51,000
SOURCE OF FUNDS:		
(1) ETF .....	51,000	
Total Alabama Law Institute .....	51,000	51,000

25. JOINT LEGISLATIVE

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		Fund Sources Included In <u>Aproppiation Total</u>		
		ETF	Earmarked Funds	Appropriation Total
<b>OVERSIGHT COMMITTEE ON COMMUNITY SERVICES GRANTS:</b>				
(a)	Community Services Grants Program .....			5,000,000
	SOURCE OF FUNDS:			
	(1) ETF .....	5,000,000		
	Total Joint Legislative Oversight Committee on Community Services Grants .....	5,000,000		5,000,000
	To be expended pursuant to House Bill 345 of the 1997 Regular Session. The Community Services Grants provided for in this appropriation shall be used only for the benefit of K-12 public schools and shall be reviewed by the State Superintendent of Education prior to approval by the Committee.			
<b>26. LIBRARY SERVICE, ALABAMA PUBLIC:</b>				
(a)	Public Library Service Program .....			9,281,148
	SOURCE OF FUNDS:			
	(1) ETF .....	7,781,148		
	(2) Federal and Local Funds.....		1,500,000	
	Total Alabama Public Library Service .....	7,781,148	1,500,000	9,281,148
	Of the above appropriation, a minimum of \$5,049,347 is to be distributed to the public libraries within the state.			
<b>27. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:</b>				
(a)	Support of Other Educational Activities Program ..			3,439,238

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		Fund Sources Included In Appropriation Total		
		ETF	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:				
(1) ETF .....	2,538,351			
(2) Federal and Other Funds.....			900,887	
Total Marine Environmental Sciences Consortium .....	2,538,351	900,887		3,439,238
<b>28. MATHEMATICS AND SCI- ENCE, ALABAMA SCHOOL OF:</b>				
(a) Mathematics and Science Program .....				5,031,119
SOURCE OF FUNDS:				
(1) ETF .....	4,916,619			
(2) Federal and Local Funds.....			114,500	
Total Alabama School of Mathematics and Science..	4,916,619	114,500		5,031,119
<b>29. MEDICAL SCHOLARSHIP AWARDS, BOARD OF:</b>				
(a) Support of Other Educa- tional Activities Program ..				1,216,641
SOURCE OF FUNDS:				
(1) ETF .....	468,721			
(2) Federal and Local Funds.....			747,920	
Total Board of Medical Scholarship Awards .....	468,721	747,920		1,216,641
To be expended under the provisions of Code of Ala- bama 1975, Sections 16-47- 121 through 16-47-129.				
<b>30. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:</b>				
(a) Mental Illness Program .....				9,138,737
Of the above appropriation, \$300,000 shall be expended for Alzheimer's Disease Education and Training and \$50,000 shall be expended for the Glenwood Wilderness				

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		Fund Sources Included In Apropiation Total		
		ETF	Earmarked Funds	Appropriation Total
<p>Program. The De-partment of Mental Health and Mental Retardation shall enter into contracts with local school systems to reimburse those school systems for education and education-related services provided to children under the care of the Department of Mental Health and Mental Retardation.</p>				
(b)	Mental Retardation Program .....			5,718.959
(c)	Substance Abuse Program ..			814.979
SOURCE OF FUNDS:				
(1)	ETF-Transfer .....	15,672.675		
Total Department of Mental Health and Mental Retardation .....				
		15,672.675		15,672.675
<p><b>31. MONTGOMERY INTERNAL MEDICINE RESIDENCY PROGRAM:</b></p>				
(a)	Support of Other Educational Activities Program ..			191.000
SOURCE OF FUNDS:				
(1)	ETF.....	191.000		
Total Montgomery Internal Medicine Residency Program .....				
		191.000		191.000
<p>The above appropriation to the Montgomery Internal Medicine Residency Program from the ETF shall be in addition to the funds received by said program from the University of Alabama at Birmingham (UAB), and the funds allocated to the Montgomery Internal Medicine Residency Program from UAB shall not be diminished from the amount allocated in fiscal year 1996-97.</p>				
<p><b>32. MUSIC HALL OF FAME, ALABAMA:</b></p>				

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		Fund Sources Included In Appropriation Total	
		ETF	Earmarked Funds
			Appropriation Total
(a) Support of Other Educational Activities Program ..			145,800
SOURCE OF FUNDS:			
(1) ETF .....		145,800	
Total Alabama Music Hall of Fame .....		145,800	145,800
<b>33. NURSING, ALABAMA BOARD OF:</b>			
(a) Professional and Occupational Licensing and Regulation Program .....			57,000
SOURCE OF FUNDS:			
(1) ETF-Transfer .....		57,000	
As provided in Code of Alabama 1975, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships.			
Total Alabama Board of Nursing .....		57,000	57,000
<b>34. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:</b>			
(a) Support of Other Educational Activities Program ..			103,160
SOURCE OF FUNDS:			
(1) ETF .....		103,160	
Total Board of Optometric Scholarship Awards .....		103,160	103,160
To be expended under the provisions of the Code of Alabama 1975, Sections 34-22-60 through 34-22-65.			
<b>35. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:</b>			
(a) Professional and Occupational Licensing and Regulation Program .....			405,136
(b) Certified Law Enforcement Academy Program .....			1,062,900
Of the above appropriation			



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		Fund Sources Included In Appropriation Total	
		ETF	Earmarked Funds
			Appropriation Total
for the Certified Law Enforcement Academy Program, the \$612,900 of ETF monies included therein shall be expended as follows:			
Northeast Police Academy .....		159,354	
University of Alabama .....		159,354	
Southwest Police Academy .....		159,354	
Alabama Police Academy .....		85,806	
Montgomery Police Academy .....		49,032	
Total .....		612,900	
SOURCE OF FUNDS:			
(1) ETF .....		1,018,036	
(2) Alabama Peace Officers' Standards and Training Fund-as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-51 .....			450,000
Total Alabama Peace Officers' Standards and Training Commission .....		1,018,036	450,000
			1,468,036
<b>36. POSTSECONDARY EDUCATION DEPARTMENT:</b>			
(a) Postsecondary Two-Year Institutions Program .....			3,112,802
(b) Industrial Scholarships Program .....			50,000
SOURCE OF FUNDS:			
(1) ETF .....		2,734,336	
(2) Federal and Local Funds.....			428,466
Total Postsecondary Education Department .....		2,734,336	428,466
			3,162,802
<b>37. SOIL AND WATER CONSERVATION COMMITTEE, STATE:</b>			
(a) Soil Conservation Program .			21,250

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		Fund Sources Included In Appropriation Total	
	ETF	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) ETF .....	21,250		
Total State Soil and Water Conservation Committee ...	21,250		21,250
<b>38. SPORTS HALL OF FAME, ALABAMA:</b>			
(a) Scholarship Program .....			200,000
SOURCE OF FUNDS:			
(1) ETF .....	200,000		
Total Alabama Sports Hall of Fame .....	200,000		200,000
In addition to the above ap- propriation to the Alabama Sports Hall of Fame, there is also hereby conditionally appropriated the sum of \$500,000 to be expended for Bryant-Jordan Student Ath- lete Scholarships to be con- ditioned on the availability of funds in the ETF, the rec- ommendation of the Direc- tor of Finance and the ap- proval of the Governor.			
<b>39. SUPERCOMPUTER AUTHORITY, ALA- BAMA:</b>			
(a) Administrative Support Services Program .....			5,792,577
The above appropriation is to be expended in accor- dance with Sections 41-10- 390 through 41-10-406, Code of Alabama 1975.			
SOURCE OF FUNDS:			
(1) ETF-Transfer .....	5,000,000		
(2) Supercomputer Revolv- ing Fund, Estimated ....		792,577	
Total Alabama Supercom- puter Authority .....	5,000,000	792,577	5,792,577
<b>40. TENURE COMMISSION, STATE:</b>			

		Fund Sources Included In Appropriation Total	
		ETF	Earmarked Funds
			Appropriation Total
(a)	Regulation Program .....		8,264
	SOURCE OF FUNDS:		
	(1) ETF .....	8,264	
	Total State Tenure Com- mission .....	8,264	8,264

**41. VETERANS' AFFAIRS, DE-  
PARTMENT OF:**

(a)	Administration of Veterans' Affairs Program .....		6,038,544
	SOURCE OF FUNDS:		
	(1) ETF-Transfer .....	6,038,544	
	Total Department of Vet- erans' Affairs .....	6,038,544	6,038,544

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every state institution of higher learning, college, university, community college, junior college, or technical college in which benefits are given to veterans, their spouses, widows, or children under the provisions of Code of Alabama 1975, Sections 31-6-1 through 31-6-17.

**42. YOUTH SERVICES,  
DEPARTMENT OF:**

(a)	Financial Assistance Pro- gram .....	7,177,103
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The above appropriation for Financial Assistance Program includes \$6,542,843 of ETF monies. The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula coopera-

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Fund Sources Included In Apropriation Total			
	ETF	Earmarked Funds	Appropriation Total
tively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.			
(b) Community Educational Programs .....			1,102,000
The above appropriation shall be allocated as follows: C.I.T.Y. Program-Chilton County- \$302,000; C.I.T.Y. Program- Houston County- \$350,000; C.I.T.Y. Program-Selma/Dallas County- \$350,000; COARMM-\$100,000. In addition to the above appropriation, there is hereby appropriated \$100,000 for a C.I.T.Y. program in Russellville; \$100,000 to the C.I.T.Y. program-Lee County; and \$350,000 for Morgan County C.I.T.Y. program to be conditioned upon the availability of funds in the ETF and the approval of the Governor.			
SOURCE OF FUNDS:			
(1) ETF .....	7,644,843		
(2) Federal and Local Funds.....		634,260	
Total Department of Youth Services .....	7,644,843	634,260	8,279,103

**SECTION 4.**  
**COLLEGES, UNIVERSITIES AND SCHOOLS:**

**I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:**

(a)	Operations and Maintenance and Program Support for the University of Alabama at Tuscaloosa .....	104,408,083	57,507,025	161,915,108
(b)	Operations and Maintenance .....			

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Fund Sources Included In Appropriation Total			
	ETF	Earmarked Funds	Appropriation Total
nance and Program Support for the University of Ala- bama at Birmingham .....	182,026,430	604,517,490	786,543,920
(c) Operations and Mainte- nance and Program Support for the University of Ala- bama in Huntsville .....	35,176,225	21,538,994	56,715,219
(d) Special Mental Health and Chauncey Sparks Center for Developmental and Learning Disorders, Uni- versity of Alabama at Birmingham .....	4,398,696		4,398,696
(e) Alabama SchoolFest Pro- gram, University of Ala- bama .....	820,458		820,458
(f) Alabama Technology Net- work Program, University of Alabama .....	1,750,000		1,750,000
(g) Alabama Technology Net- work Program, Minority Technology Net- works .....	750,000		750,000
(h) Auxiliary Enterprises .....		75,602,598	75,602,598
(i) Restricted Funds .....		245,287,252	245,287,252
<b>SOURCE OF FUNDS:</b>			
(1) ETF .....	329,329,892		
(2) Federal and Other Funds .....		1,004,453,359	
Total Board of Trustees of University of Alabama .....	329,329,892	1,004,453,359	1,333,783,251

**II. BOARD OF TRUSTEES OF  
ALABAMA A&M UNIVER-  
SITY:**

(a) Operations and Mainte- nance and Program Sup- port .....	23,698,440	15,063,934	38,762,374
(b) Title VI Program Enhance- ment .....	570,416		570,416
The proposed spending plan for the above Title VI Pro- gram Enhancement appro- priation is as follows:			
Consultants/Fac- ulty .....	184,420		

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		Fund Sources Included In Appropriation Total	
	ETF	Earmarked Funds	Appropriation Total
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Instructional Sup- port .....	385,996		
(c) Desegregation Planning ....	184,906		184,906
(d) Urban Affairs and New Non-Traditional Land Grant Programs .....	1,331,000		1,331,000
(e) Agricultural Research Station Fixed Costs .....	300,000		300,000
(f) Cooperative Extension, Re- search and Service .....	924,528		924,528
The above appropriation in (b) through (f) from the ETF is to be released and used as restricted by and in compli- ance with Knight v. Ala- bama, 900 F Supp 272.			
(g) Auxiliary Enterprises .....		5,987,221	5,987,221
(h) Restricted Funds .....		19,118,834	19,118,834
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SOURCE OF FUNDS:			
(1) ETF .....	27,009,290		
(2) Federal and Other Funds		40,169,989	
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Total Board of Trustees of Alabama A&M University ..	27,009,290	40,169,989	67,179,279
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Of the above appropriation for operations and mainte- nance, a total of \$250,000 shall be allocated to the Black Archives Museum.			

**III. BOARD OF TRUSTEES OF  
ALABAMA A&M UNIVER-  
SITY:**

(a) Alabama A&M University- Miles College Consortium	369,800	369,800
SOURCE OF FUNDS:		
(1) ETF .....	369,800	
Total Alabama A&M Uni- versity-Miles College Con- sortium .....	369,800	369,800

**IV. BOARD OF TRUSTEES OF  
ALABAMA STATE UNIVER-  
SITY:**

- (a) Operations and Maintenance and Program Sup-

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		Fund Sources Included In Appropriation Total		
		ETF	Earmarked Funds	Appropriation Total
	port .....	24,095,801	18,790,735	42,886,536
(b)	Title VI Program Enhancement .....	1,657,477		1,657,477
The proposed spending plan for the above Title VI Program Enhancement appropriation is as follows:				
	Consultants/Faculty .....	462,264		
	Instructional Support .....	1,195,213		
(c)	Desegregation Planning ....	184,906		184,906
The above appropriation in (b) through (c) from the ETF is to be released and used as restricted by and in compliance with Knight v. Alabama, 900 F Supp 272.				
(d)	Cooperative Efforts to Enhance Community Educational Institutions .....	200,000		200,000
(e)	Auxiliary Enterprises .....		9,945,702	9,945,702
(f)	Restricted Funds .....		12,394,491	12,394,491
SOURCE OF FUNDS:				
	(1) ETF .....	26,138,184		
	(2) Federal and Other Funds .....		41,130,928	
Total Board of Trustees of Alabama State University .				
		26,138,184	41,130,928	67,269,112

**V. STATE BOARD OF EDUCATION - ATHENS STATE COLLEGE:**

(a)	Operations and Maintenance and Program Support .....	7,636,788	4,880,317	12,517,105
(b)	Auxiliary Enterprises .....		698,731	698,731
(c)	Restricted Funds .....		1,260,656	1,260,656
	<b>SOURCE OF FUNDS:</b>			
	(1) ETF .....	7,636,788		
	(2) Federal and Other Funds .....		6,839,704	
	Total State Board of Education-Athens State College .	7,636,788	6,839,704	14,476,492
	In addition to the above appropriation to Athens State			

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		Fund Sources Included In Apropiation Total		
		ETF	Earmarked Funds	Appropriation Total
College, there is hereby ap- propriated \$1,000,000 from the Education Trust Fund to be conditioned upon the availability of funds in the Education Trust Fund and the approval of the Governor.				
VI. BOARD OF TRUSTEES OF AUBURN UNIVERSITY:				
(a) Operations and Maintenance and Program Support .....	177,439,853	110,761,208	288,201,061	
(b) Alabama Technology Network Program, Auburn University .....	1,750,000		1,750,000	
(c) Auxiliary Enterprises .....		53,525,666	53,525,666	
(d) Restricted Funds .....		68,596,863	68,596,863	
SOURCE OF FUNDS:				
(1) ETF .....	179,189,853			
(2) Federal and Other Funds.....		232,883,737		
Total Board of Trustees of Auburn University .....	179,189,853	232,883,737	412,073,590	
In addition to the above ap- propriation to Auburn Uni- versity, there is hereby ap- propriated \$1,000,000 to the Veterinarian School at Au- burn University to be condi- tioned upon the availability of funds in the Education Trust Fund and the approval of the Governor.				
VII. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:				
(a) Operations and Maintenance and Program Sup- port .....	25,066,783	16,971,000	42,037,783	
(b) Auxiliary Enterprises .....		3,668,450	3,668,450	
(c) Restricted Funds .....		19,115,854	19,115,854	
SOURCE OF FUNDS:				
(1) ETF .....	25,066,783			



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	Fund Sources Included <u>In Appropriation Total</u>		
	ETF	Earmarked Funds	Appropriation Total
(2) Federal and Other Funds.....		39,755,304	
Total Board of Trustees of Jacksonville State Univer- sity .....	25,066,783	39,755,304	64,822,087

**VIII. BOARD OF TRUSTEES OF  
UNIVERSITY OF MONTE-  
VALLO:**

(a) Operations and Mainte- nance and Program Sup- port .....	13,182,049	8,871,054	22,053,103
(b) Auxiliary Enterprises .....		4,800,758	4,800,758
(c) Restricted Funds .....		2,249,888	2,249,888
SOURCE OF FUNDS:			
(1) ETF .....	13,182,049		
(2) Federal and Other Funds.....		15,921,700	
Total Board of Trustees of University of Montevallo ..	13,182,049	15,921,700	29,103,749

**IX. BOARD OF TRUSTEES OF  
UNIVERSITY OF NORTH  
ALABAMA:**

(a) Operations and Mainte- nance and Program Sup- port .....	18,737,383	12,970,788	31,708,171
Of the above appropriation, \$342,204 shall be expended at the Kilby School.			
(b) Auxiliary Enterprises .....		3,125,169	3,125,169
(c) Restricted Funds .....		1,208,439	1,208,439
SOURCE OF FUNDS:			
(1) ETF .....	18,737,383		
(2) Federal and Other Funds.....		17,304,396	
Total Board of Trustees of University of North Ala- bama .....	18,737,383	17,304,396	36,041,779

In addition to the above ap-  
propriation to the University  
of North Alabama, there is  
hereby appropriated \$760,000  
from the Education Trust  
Fund to be conditioned upon

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		Fund Sources Included In Aproppiation Total		
		ETF	Earmarked Funds	Appropriation Total
the availability of funds in the Education Trust Fund and the approval of the Gov- ernor.				
<b>X. BOARD OF TRUSTEES OF UNIVERSITY OF SOUTH ALABAMA:</b>				
(a)	Operations and Maintenance and Program Support .....	70,510,252	214,137,357	284,647,609
(b)	Auxiliary Enterprises .....		12,442,614	12,442,614
(c)	Restricted Funds .....		22,200,000	22,200,000
SOURCE OF FUNDS:				
(1)	ETF .....	70,510,252		
(2)	Federal and Other Funds .....		248,779,971	
Total Board of Trustees of University of South Ala- bama .....				
		70,510,252	248,779,971	319,290,223
<b>XI. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:</b>				
(a)	Operations and Mainte- nance and Program Support for Troy StateUniversity ....	19,430,714	38,051,944	57,482,658
(b)	Operations and Mainte- nance and Program Support for Troy State University at Dothan .....	4,595,844	4,982,504	9,578,348
(c)	Operations and Mainte- nance and Program Support for Troy State University at Montgomery .....	4,833,464	4,934,229	9,767,693
(d)	Auxiliary Enterprises .....		10,095,000	10,095,000
(e)	Restricted Funds .....		6,369,881	6,369,881
SOURCE OF FUNDS:				
(1)	ETF .....	28,860,022		
(2)	Federal and Other Funds .....		64,433,558	
Total Board of Trustees of Troy State University .....				
		28,860,022	64,433,558	93,293,580
<b>XII. BOARD OF TRUSTEES OF UNIVERSITY OF WEST ALABAMA:</b>				

	Fund Sources Included In Appropriation Total		
	ETF	Earmarked Funds	Appropriation Total
(a) Operations and Maintenance and Program Support	8,190,212	5,017,951	13,208,163
(b) Auxiliary Enterprises .....		2,859,372	2,859,372
(c) Restricted Funds .....		401,857	401,857
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SOURCE OF FUNDS:			
(1) ETF .....	8,190,212		
(2) Federal and Other Funds .....		8,279,180	
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Total Board of Trustees of University of West Alabama .....	8,190,212	8,279,180	16,469,392

**XIII. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:**

(a) Adult Programs .....	5,764,858	4,944,107	10,708,965
(b) Children and Youth Programs .....	17,434,045	2,239,307	19,673,352
(c) Industries for the Blind .....	4,206,858	9,219,553	13,426,411
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SOURCE OF FUNDS:			
(1) ETF .....	27,405,761		
(2) Federal and Other Funds .....		16,402,967	
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Total Board of Trustees of Alabama Institute for Deaf and Blind .....	27,405,761	16,402,967	43,808,728

**XIV. KNIGHT V. ALABAMA - FINANCIAL OBLIGATIONS:**

(a) Operations and Maintenance and Program Support, Estimated .....			4,923,716
<hr/>			
SOURCE OF FUNDS:			
(1) ETF .....	4,923,716		
<hr/>			
Total Knight v. Alabama ...	4,923,716		4,923,716
<hr/>			
To be allocated and expended in accordance with the 1995 Remedial Decree in Knight v. Alabama, Civil Action CV 83-M-1676, 900 F Supp 272.			

**SECTION 5.** There is hereby appropriated the following amounts to the following institutions, to be expended to offset the cost of providing

salary increases for faculty and staff granted for the 1997-98 fiscal year, to be conditioned solely on the availability of funds in the Education Trust Fund. The following appropriations are first priority conditionals and shall be allotted on a quarterly proportionate basis at the end of each quarter. At the end of each quarter of the fiscal year beginning October 1, 1997, the State Finance Director shall certify the quarterly amount of receipts to the Education Trust Fund estimated to be necessary to fully fund all absolute appropriations from the Education Trust Fund. The amounts of quarterly receipts to the Education Trust Fund in excess of the amount certified for that quarter shall be allotted to the following entities on a proportionate basis up to the quarterly allotment. For any quarter in which the allotments were insufficient to fund the maximum quarterly appropriations, the unfunded allotments shall accrue to the following quarter(s) and shall be allotted if the Finance Director certifies quarterly that receipts to the Education Trust Fund are sufficient to fully fund all pending absolute appropriations. For the fourth quarter of the fiscal year, the State Finance Director shall make his certification prior to September 30, 1998, and any available funds shall be allotted prior to September 30, 1998.

a.	University of Alabama System	\$3,153,046
	University of Alabama at Tuscaloosa	\$1,023,609
	University of Alabama at Birmingham	\$1,784,573
	University of Alabama in Huntsville	\$344,865
b.	Alabama A&M University	\$248,807
c.	Alabama State University	\$254,296
d.	Athens State College	\$72,676
e.	Auburn University System	\$1,739,606
f.	Jacksonville State University	\$245,753
g.	University of Montevallo	\$129,236
h.	University of North Alabama	\$182,796
i.	University of South Alabama	\$691,277
j.	Troy State University System	\$274,203
	Troy State University-Troy	\$190,497
	Troy State University-Dothan	\$40,898
	Troy State University-Montgomery	\$42,808
k.	University of West Ala-	

	bama	\$80,296
l.	State Board of Education- Two-Year College System	\$1, 858,476
m.	State Board of Education- Prison Education	\$83,208
n.	Alabama Institute for Deaf and Blind	\$2,228,865

**SECTION 6.** The Legislature by its passage of Act 95-314 requires the phase out of hold harmless funds to be completed in FY 1999 in scheduled increments over a four-year period. The State Department of Education may exclude 2% of the amount of the FY 1997 4% pay raise from the calculation of the hold harmless amount to be distributed from the Public School Fund. Any local board of education receiving hold harmless funds may use part or all of its capital outlay allowance for the additional costs of any salary increase mandated by the Legislature in FY 1997 and not covered by an adjustment to the hold harmless allowance.

**SECTION 7.** In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

**SECTION 8.** The State Superintendent of Education shall make requisitions to the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary educational institutions. All other appropriations in this Act shall be paid after proper

requisitions are made to the State Comptroller in the manner now provided by law.

**SECTION 9.** No funds provided herein for the public schools shall be used for the payment of any salaries of personnel which are not under the direct control, employment, and supervision of local boards of education; provided, however, that this section shall not apply to the construction, renovation, or major repair of buildings or other capital improvements which are beyond the capacity of regular employees to perform.

**SECTION 10.** Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

**SECTION 11.** All state-mandated and state-funded salary increases and fringe benefits for Child Nutrition Program workers shall be fully-funded from the Foundation Program Fund in this Act and shall therefor be subsequently fully-funded by all local school boards from funds provided in this Act from Other Current Expense and not from funds generated by the Child Nutrition Program.

**SECTION 12.** (a) Funds appropriated from the ETF or earmarked state funds in this Act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education and postsecondary institutions of higher education) shall not be expended for the purchase or lease of automotive vehicles. A state agency funded from the ETF or earmarked state funds in this Act may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this Act, except for funds appropriated to entities excluded in subsection (a) of this section, shall be expended

for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(c) On the last day of this fiscal year, each state school, department, or agency receiving funds under this Act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, department, or agency receiving funds under this Act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

**SECTION 13.** The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the general appropriation act for the fiscal year ending September 30, 1998. All agencies enumerated in this Act that receive services from other governmental agencies enumerated in the general appropriation act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

**SECTION 14.** It is the intent of the Legislature that each agency receiving an appropriation in this appropriations act shall certify to the Department of Finance that it has a plan for its data processing and other computerized systems to become Year 2000 compliant. As part of the annual plan of operation, each agency shall certify in writing that the Year 2000 compliance plan is or will be implemented in a timely manner. This plan shall encompass those programs which are critical and necessary to the essential delivery of services to citizens, local governments, the federal government and other state entities. Each Year 2000 compliance plan shall be based on standards for data storage and exchange as established by the Department of Finance.

**SECTION 15.** Upon certification to the Director of Finance by the State Attorney General that a federal court has ordered the State of Alabama to pay claims, attorney fees, or other costs relating to said court order, funds are hereby appropriated to the affected department, board, bureau, or commission in the amount necessary to satisfy that court order. Such appropriations are in addition to any other appropriation heretofore or hereafter made in this appropriation act. Such appropriations are conditioned upon the availability of funds and a determination by the Director of

Finance that other current appropriations are not available for the court-ordered payments.

**SECTION 16.** All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ETF or earmarked fund from which the appropriation or appropriations were made.

**SECTION 17.** If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

**SECTION 18.** All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

**SECTION 19.** This Act shall become effective on October 1, 1997.

Yeas 28 Nays 3

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -28

Nays:

Senators:

Adams, Lipscomb, and Poole - 3

And said Bill, HB 119, as thus amended, was read a third time and passed.

Yeas 28 Nays 4

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lang-



ford, Lindsey, Little, McClain, Mitchell, Mitchem, Roberts, Sanders, Smith-  
erman, Steele, Waggoner, and Windom -28

Nays:

Senators:

Adams, Lipscomb, Myers, and Poole

- 4

Senator Sanders moved that the Senate reconsider the vote by which the Bill, HB 119, as amended, was passed, and further moved that the motion to reconsider be laid on table. The motion to table prevailed.

### POINT OF PERSONAL PRIVILEGE

Senator Poole requested that the following statement be spread upon the Journal, to-wit:

“On the 21st Legislative Day of the 1997 Regular Session, April 17, 1997, prior to the roll call on passage of HB 119 by the Alabama State Senate, I requested that the Bill, HB 119, be read at length as required by Section 63 of the Alabama Constitution. The President Pro Tempore and Presiding Officer of the Senate refused to recognize me and ordered a vote on the final passage without reading the Bill, HB 119, at length as required by Section 63 of the Alabama Constitution prior to passage.”

Which was read and ordered filed with the Secretary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Carothers, Johnson (R), Drake, Clark (J), Seibenhener, Clouse, Maull, Sims, White, Layson, Baker, Moore, Hooper, Dean, and Laird:

**HB 775.** To make further provision for the financing and construction of public roads and bridges in the State by the issuance of bonds by Alabama Highway Authority; to authorize the Authority to sell and issue from time to time not exceeding, in the case of bonds other than refunding bonds, \$700,000,000 aggregate principal amount of bonds; to authorize the Authority, subject to certain findings and determinations, to issue and sell refunding bonds to refund bonds issued by the Authority under the provisions of this act; to provide for the details and the method of execution of the said bonds; to provide that bonds shall be sold at public sale and that

the Authority shall determine the manner, terms and conditions of such sale, and to make other provision respecting such sale and the permitted uses, applications and investments of proceeds from the sale of bonds including refunding bonds; to provide for the establishment, from such proceeds, of certain funds and for the use of such funds and any investment earnings thereon; to allocate proceeds of bonds to pay construction costs of projects identified in the Act and to permit the authority and the department of transportation to allocate and reallocate such proceeds to other projects under certain circumstances specified herein; to permit the authority and the department of transportation to enter into agreements respecting the disbursement of proceeds of bonds; to provide that bonds issued under this Act shall not create an obligation or debt of the State but shall be limited obligations payable solely out of the revenues of the Authority appropriated and pledged therefor; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide a mechanism for defeasance of said bonds; to appropriate and pledge funds identified in this act to the extent necessary to pay the principal of, premium, if any, and interest on said bonds; to authorize the Authority to pledge for payment of the said principal of, premium, if any, and interest on said bonds the moneys appropriated and pledged in this Act for such purpose; to preserve prior pledges and covenants by the state; to adopt certain provisions of the act of the Legislature creating the Authority; to provide for a covenant of the Legislature not to reduce below certain levels appropriated and pledged taxes and fees while any of said bonds are outstanding and unpaid; to authorize the disbursement of moneys pledged for payment of said bonds; to provide that if any portion of this Act is held invalid such holding shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 775 - to the Committee on Economic Expansion and Trade

### BUDGET ISOLATION RESOLUTION

Senator Sanders, B.I.R., HB 192, adopted.

Yeas 26 Nays 1

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, and Windom -26

Nay: Senator Poole

- 1

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 192.** To require each county and city board of education to adopt a local salary schedule of at least 100 percent of the state salary matrix; to phase in the requirement over a two year period; to provide for an additional supplemental instructional salary component in the Foundation Program; to specify that the state salary matrix amounts shall be determined by the Legislature in the annual education appropriation act; and to establish an effective date.

was taken up.

### **REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor with the date and hour of delivery, to-wit:

SB 51      SB 95

Delivered to the Governor on April 17, 1997, at 1:56 P.M.

McDOWELL LEE,  
Secretary of Senate.

### **SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### **ADJOURNMENT**

At 2:30 P.M., on motion of Senator Windom, in accordance with

**21st Day - April 17, 1997**

Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, HB 192, the Senate adjourned until Tuesday, April 22, 1997, at 1 o'clock P.M.

## **TWENTY-SECOND LEGISLATIVE DAY**

**TUESDAY, APRIL 22, 1997**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Dan Ireland, The Baptist Association.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Woody Ketcham, Heritage Academy, Birmingham, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

## **JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

## **LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senator Bedford for today.

## **MOTION TO ADJOURN**

Senator Mitchell moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, April 23, 1997, at 10:30 A.M., which motion was adopted.

## **MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 438.** To amend Section 38-4-12, Code of Alabama 1975 to further provide for the distribution of the one mill ad valorem tax; and to create the Alabama Veterans' Assistance Fund in the state treasury.

GREG PAPPAS,  
Clerk.

## **HOUSE MESSAGE**

On motion of Senator Butler, the Senate non-concurred in the following House Amendment to the Bill, SB 438, the title of which is set out in the foregoing Message from the House, to-wit:

## **SUBSTITUTE FOR SB 438**

### **A BILL TO BE ENTITLED AN ACT**

To amend Section 38-4-12, Code of Alabama 1975 to further provide for the distribution of the one mill ad valorem tax; and to create the Alabama Veterans' Assistance Fund in the state treasury.

and requested a Committee on Conference.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Hale, Langford, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-25

Nays:

- 0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Butler, Freeman, and McClain.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

**HB 807.** Relating to Sumter County; amending Sections 1, 2, and 3 of Act 2464, H. 2846 of the 1971 Regular Session (Acts 1971, p. 3929), as amended by Act 79-730, 1979 Regular Session (Acts 1979, p. 1299), providing for the issuance fee and distribution of the fee for pistol permits issued by the sheriff, to increase the fee and provide further for the distribution of the fee.

said Governor's Message being in words and figures as follows, to-wit:

### **MESSAGE FROM THE GOVERNOR**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 807, without the Governor's signature and with a suggested Executive Amendment.

Done this 15th day of April, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the Governor.

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**22nd Day - April 22, 1997**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 807, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 807:

Please amend on page 1, line 28, after the word "and" and before the word "cents" by deleting the words "seventy-five" and inserting, in lieu thereof, the words "twenty-five".

Please further amend on page 1, line 29, by removing the number "\$11.75)" and inserting in lieu thereof, the number "\$11.25)".

It has come to my attention that the figures in this legislation do not properly balance. The legislation increases the pistol permit fee from ten dollars to fifteen dollars, but provides for the disbursement of fees in the amount of fifteen dollars and fifty cents. The adoption of the above suggested Executive Amendment will eliminate this problem and allow for the implementation of this bill.

Done this the 15th day of April, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 807, by a vote of a majority of those voting, said vote being: Yeas 60, Nays 1.

And said Bill, HB 807, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE AND GOVERNOR'S MESSAGE**

On motion of Senator Steele, the Senate concurred in and adopted



the amendment proposed by His Excellency, the Governor, to the Bill, HB 807, the title of which and said Executive Amendment are set out in the foregoing Message from the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Biddle, Butler, Davidson, Denton, Dial, Dixon, Ghee, Hill, Lindsey, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-25

Nays:

- 0

which was a majority of the whole number elected to the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

**HB 830.** Relating to Tuscaloosa County; providing that the license commissioner shall void any motor vehicle license when payment for the license is noncollectible.

said Governor's Message being in words and figures as follows, to-wit:

### MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 830, without the Governor's signature and with a suggested Executive Amendment.

Done this 17th day of April, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the Governor.

1640 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
**22nd Day - April 22, 1997**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 830, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 830:

Please amend on page 1, line 17, by deleting the language “or title cost”.

Further amend on page 1, line 26, by deleting the language “and title application fee.” and inserting the word “and” after the comma (,) immediately following the word “penalty”. Also amend by changing the comma (,) after the word “costs” to a period (.).

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done this the 17th day of April, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 830, by a vote of a majority of those voting, said vote being: Yeas 67, Nays 0.

And said Bill, HB 830, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE AND GOVERNOR’S MESSAGE**

On motion of Senator Poole, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB

830, the title of which and said Executive Amendment are set out in the foregoing Message from the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Clay, Davidson, Denton, Dial, Dixon, Hale, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -25

Nays:

- 0

which was a majority of the whole number elected to the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Collins (With Notice and Proof):

**HB 948.** Relating to Lamar County; amending Section 2 of Act 80-519, H. 1052 of the 1980 Regular Session (Acts 1980, p. 799), further providing for the disposal of property under the control of the Lamar County Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 948, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Curry and Knight (A) (With Notice and Proof):

**HB 972.** Relating to Shelby County; authorizing the City Council of the City of Helena to levy an additional ad valorem tax and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 972, AS REQUIRED IN THE GEN-

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**22nd Day - April 22, 1997**

ERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 948 and 972 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE GOVERNOR**

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Joint Resolution No. 93, without the Governor's signature and approval, but with the following Executive Amendment.

Done this 22nd day of April, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the Governor.

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, Senate Joint Resolution No. 93, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO SENATE JOINT RESOLUTION  
NUMBER 93:

Please amend Senate Joint Resolution No. 93 on page 1, lines 13 and 14 by deleting the words "RESPIRATORY THERAPISTS,". Also on line 14 remove the comma (,) after the word "TECHNICIANS".

Further amend on page 2, lines 3 through 6 by deleting this paragraph in its entirety.

Further amend on page 2, lines 7 and 8 by deleting the words "respiratory therapists,". Also amend on line 8 by deleting the comma (,) after the word "technicians".

Further amend on page 2, line 15 by deleting the words "respiratory therapists,". Also amend on line 16 by deleting the comma (,) after the word "technicians".

The adoption of the above suggested Executive Amendment will remove my objections to this resolution.

Done this the 22nd day of April, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

**GOVERNOR'S MESSAGE**

On motion of Senator Butler, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Senate Joint Resolution:

**SJR 93.** URGING THE ALABAMA STATE BOARD OF PHARMACY TO INSTITUTE NECESSARY ACTION TO ALLOW RESPIRATORY THERAPISTS, EMERGENCY MEDICAL TECHNICIANS, AND VOLUNTEER FIRE DEPARTMENTS' EMERGENCY MEDICAL TECHNICIANS TO BE CONSIDERED TRAINED PERSONNEL FOR PURPOSES OF ADMINISTERING MEDICAL OXYGEN.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Butler, Clay, Davidson, Denton, Dial, Dixon, Fig-

ures, Freeman, Hale, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays: - 0

which was a majority of the whole number elected to the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 290.** Adopting the Alabama Uniform Interstate Family Support Act; defining certain terms and designating the state tribunal; specifying jurisdiction, including extended personal jurisdiction, proceedings involving two or more states, and reconciliation of multiple orders; providing civil provisions of general application, including proceedings under this law, action by a minor parent, application of law of the state, duties of initiating tribunal, duties and powers of responding tribunal, inappropriate court, duties of support enforcement agency, duties of the Attorney General, use of private counsel, duties of the Department of Human Resources as the state information agency, pleadings and accompanying documents, nondisclosure of information in exceptional circumstances, costs and fees, limited immunity of petitioner, nonparentage as a defense, special rules of evidence and procedure, communications between tribunals, assistance with discovery, and receipt and disbursement of payments; providing for the establishment of a support order and for the petition; providing for the enforcement of an order of another state without registration, including an employer's receipt and compliance with an income-withholding order, immunity from civil liability, penalties for noncompliance, contest by obligor, and administrative enforcement; providing for the enforcement and modification of a support order after registration, including registration and enforcement of a support order, contest of validity or enforcement, and registration and modification of a child support order; providing for proceedings to determine parentage; providing grounds and conditions for rendition; and providing for uniformity of application, a saving clause, construction, a short title, severability, a delayed effective date, and to repeal on a specified date Sections 30-3-90 to 30-3-99, inclusive, and Sections 30-4-80 to 30-4-98, inclusive; and to amend Sections 6-9-232 and 26-17-10 of the Code of Alabama 1975, to conform references to this law.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Senate concurred in and adopted the following House amendment to the Bill, SB 290, the title of which is set out in the foregoing Message from the House, to-wit:

**AMENDMENT TO SB 290**

Amendment to SB 290 on page 24, line 8, after the word "finding" by striking ~~by a court of competent jurisdiction~~ and inserting in lieu thereof "which may be made ex parte,"

Further amend SB 290 on page 24, line 11, after the word "a" by striking ~~court~~ and inserting in lieu thereof "tribunal"

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Bailey, Biddle, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner  
-26

Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Venable, Wren, and Gipson (With Notice and Proof):

**HB 891.** Relating to Elmore County, to repeal Act 10, H.61, of the 1911 Regular Session, as amended, relating to requiring the commissioner's court to publish the minutes of its meetings.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 891, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Seibenhener (With Notice and Proof):

**HB 951.** Relating to Geneva County; providing a referendum on the question of making the duties of the chair of the county commission into a full-time position and separate from the office of judge of probate; to provide for compensation and an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 951, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

**HB 965.** Relating to Cherokee County; providing further for the compensation and mileage of returning officers.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 965, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. McDaniel and Hawk (With Notice and Proof):

**HB 971.** Relating to Marshall County; to provide that the county commissioners may, under certain conditions, authorize county personnel to perform work in private or public cemeteries, including opening graves for interment of human bodies, repairing and maintaining existing roads, building roads, and other related labor in private or public cemeteries, including any cemetery authority owned, governed, controlled, or operated by any church or religious society or denomination, religious corporation, church, or corporation sole and also on school bus turn-arounds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 971, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*



**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 891, 951, 965, and 971 - to the Committee on Local Legislation No. 1

**COMMUNICATION FROM THE SUPREME COURT OF ALABAMA**

OCTOBER TERM, 1996-97  
OPINION OF THE JUSTICES

No. 359

Members of the Senate  
Alabama State House  
Montgomery, Alabama 36130

Dear Senators:

We have received Senate Resolution No. 88, by which you request the opinion of the Justices as to whether Senate Bill 20, now pending in the Senate, violates § 213 of the Constitution of Alabama of 1901, as amended. The bill purports to authorize the incorporation of the "Alabama Revolving Loan Fund Authority" and to empower that Authority to issue up to \$12 million in bonds for the purpose of making grants of revolving loan funds to several regional planning development commissions. As payment for the principal and interest on the bonds, the bill appropriates and pledges the proceeds from an existing privilege or license tax on cellular radio telecommunications. The specific question put to this Court is:

"Does Senate Bill 20, as Engrossed, violate Section 213, of the Constitution of Alabama of 1901, as amended by Amendment 26?"

We must, for the following reasons, conclude that the appropriation that would be made by § 9 of Senate Bill 20 would violate § 213 of the Alabama Constitution 1901.

I.

As amended, § 213 states that, after the ratification of the Constitution, "no new debt shall be created against, or incurred by the state, or its authority," except under certain limited circumstances. This section thus

prevents the legislature from enacting laws that would deplete the funds available and necessary to meet the state's current obligations in future years. Opinion of the Justices, No. 99, 252 Ala. 468, 41 So. 2d 771 (1949). To that end, Amendment 26, amending § 213, explicitly states that "[a]ny act creating or incurring any new debt against the state, except as herein provided for, shall be absolutely void."

This Court has previously expressed the opinion that a state corporation or authority may create debt without violating § 213, if no obligation is imposed upon the state to pay money toward the debt. Opinion of the Justices, No. 183, 278 Ala. 298, 178 So.2d 76 (1965). In Edmondson v. State Industrial Development Auth., 279 Ala. 206, 184 So.2d 115 (1966), this Court specifically held that the state may pledge irrevocably a particular revenue stream over many fiscal years for the payment of long-term bonds issued by a public corporation, without violating § 213; however, the Court held that this may be done only where the bonds are retired by a new revenue source that has not previously been payable to the General Fund.

Obviously, if a state corporation or authority creates a debt to be paid outright from the General Fund, the state is obligated to pay it and the debt is therefore constitutionally impermissible. Further, if the debt is to be paid by diverting funds from an existing revenue source that is already designated for the General Fund, then this also would constitute a debt of the state; there is no constitutional distinction between money that the state already has and that which it will receive. Opinion of the Justices, No. 346, 665 So.2d 1357 (Ala. 1995). In order to escape being a new debt of the State, there must be a new source of revenue provided to retire the debt. Opinion of the Justices, No. 346.

## II.

In § 8, Senate Bill 20 states:

"All contracts made and all bonds issued by the Authority pursuant to the provisions of this act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State of Alabama."

(Emphasis added.) Based upon this provision, it would at first appear that the debt created by the bond issue in Senate Bill 20 does not violate Amendment 213. However, this provision is then undercut by § 9, which provides, in pertinent part:

"Section 9. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing funds to enable

the Authority to pay at their respective maturities the principal of and interest on any Bonds issued by it under the provisions of this act and to accomplish the objects of this act, there is hereby irrevocably pledged to these purposes, and hereby appropriated the amount that may be necessary for those purposes from the receipts from the privilege or license tax on providers of cellular radio telecommunication services levied in Section 40-21-121, Code of Alabama 1975.”

Therefore, according to § 9, payment for the interest and principal on the proposed bond issue would come from the receipts of a privilege or license tax on providers of cellular radio telecommunications services. This tax is not being newly created for purposes of funding the bond issue; on the contrary, the tax was first levied in 1990. See § 40-21-121, Ala. Code 1975. Moreover, the receipts from this tax “shall be deposited into the State Treasury,” § 40-21-123. Clearly then, Senate Bill 20 would divert the receipts of this existing tax from the state treasury, rather than create a new source of revenue to fund its proposed bond issue. Senate Bill 20 thus proposes to create a new debt that the state would be responsible for, because it would be paid from taxes that have heretofore been designated to go to the state treasury. Section § 213 of the Constitution prohibits the diversion of existing taxes, which would otherwise be payable to the state treasury, for the payment of a public authority’s obligations; therefore, Senate Bill 20 violates § 213, Constitution 1901, as amended.

QUESTION ANSWERED.

Respectfully submitted,

PERRY O. HOOPER, SR.,  
Chief Justice.

HUGH MADDOX,  
RENEAU P. ALMON,  
JANIE L. SHORES,  
J. GORMAN HOUSTON, JR.,  
MARK KENNEDY,  
RALPH D. COOK,  
TERRY L. BUTTS,  
HAROLD SEE,  
Associate Justices.

Which was read and ordered filed with the Secretary.

## INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one

time, and referred to appropriate standing committees, as follows:

By Senators Denton, Ghee, Waggoner, Bailey, and McClain:

**SB 685.** To amend Sections 40-23-35 and 40-23-36, Code of Alabama 1975, to limit the amount of sales tax discount that may be allowed to \$900 per month per license holder, to provide further for the distribution and expenditure of the additional revenue generated by the cap on the sales tax discount, and to authorize the payment into the State General Fund, to the extent necessary, an amount equal to the principal, interest, and premium (if any) on bonds issued by the Alabama State Parks System Improvement Corporation.

Committee on Fiscal Responsibility  
and Accountability

By Senators Denton, Ghee, Waggoner, Bailey, and McClain:

**SB 686.** To provide for the organization of a public corporation in the state to be known as Alabama State Park System Improvement Corporation; to provide for certain definitions; to designate the officers and members of the board of directors of the corporation; to prescribe the powers of the corporation, including the power to provide for the acquisition, provision, construction, improvement, renovation, equipping, and maintenance of state parks and park facilities; to implement the provisions of an amendment to the Constitution of Alabama of 1901, authorizing the state to become indebted and to sell and issue not in excess of \$80,000,000 in principal amount of general obligation bonds of the state for the purpose of providing for the acquisition, provision, construction, improvement, renovation, equipping, and maintenance of the state parks and park facilities of the state; to authorize the corporation to sell and issue for the state said bonds and refunding bonds therefor contingent upon the ratification by the qualified electors of the state of said constitutional amendment authorizing such issue; to provide that the said corporation shall specify the form and details of said bonds; to provide for the issuance of said bonds in series; to provide for the sale of said bonds; to provide for the temporary investment of the proceeds of said bonds; to provide for the payment of the expenses of issuance of said bonds; to provide for the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to said amendment and this act; to provide for the use of proceeds derived therefrom; and to provide for an effective date.

Committee on Fiscal Responsibility  
and Accountability

By Senators Denton, Ghee, Waggoner, Bailey, and McClain:

**SB 687.** To propose an amendment to the Constitution of Alabama of 1901, authorizing the issuance of general obligation bonds of the State of Alabama in an aggregate principal amount not exceeding eighty million dollars (\$80,000,000) for the purpose of the acquisition, provision, construction, improvement, renovation, equipping and maintenance of state parks and park facilities.

Committee on Fiscal Responsibility  
and Accountability

The above Bill was read a first time at length as required by the Constitution.

By Senators Figures, Windom, Barron, McClain, Little, Roberts, Smitherman, Bailey, Clay, Adams, Ghee, Sanders, Steele, Butler, Escott-Russell, Biddle, Armistead, Hale, Bedford, Smith, Waggoner, Poole, Davidson, Mitchell, Lindsey, Langford, Freeman, Amari, Mitchem, Denton, Myers, and Dixon:

**SB 688.** Relating to insurance, to provide further for the regulation of health insurance by authorizing the Commissioner of Insurance to create a high risk pool to provide health insurance coverage to eligible individuals to be called the Alabama Health Insurance Plan, and also to promote the availability of health insurance coverage to small employers regardless of their health status or claims experience; to provide a premium tax offset for insurers funding the plan; to provide immunity to insurers participating in the plan; to exempt the plan from any taxation, and to provide an effective date.

Committee on Health  
and Human Resources

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird (With Notice and Proof):

**HB 960.** Relating to Randolph County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction;

authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; and providing for the disposition of proceeds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 960, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 960 - to the Committee on Local Legislation No. 1

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Layson:

**HB 874.** Relating to Pickens County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Pickens County Commission to levy a three mill ad valorem tax for fire protection.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 874 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Galliher (With Notice and Proof):

**HB 941.** To alter and rearrange the boundary lines and corporate limits of the City of Gadsden and the City of Glencoe in Etowah County to remove certain property from the corporate limits of the City of Gadsden and add the property to the City of Glencoe.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 941, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Seibenhener (With Notice and Proof):

**HB 949.** Relating to Geneva County; to provide for the election of the Geneva County Board of Education from five single-member districts; to define the boundaries of the districts; to include within those districts all of Geneva County except that area located within the corporate limits of the City of Geneva; to authorize the board to change the boundaries of the election districts; to establish procedures for making changes; and to repeal Act 393, H. 681, 1931 Regular Session (1931 Acts, p. 175).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 949, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Seibenhener (With Notice and Proof):

**HB 950.** Relating to Geneva County; prescribing the salary of the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 950, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 941, 949, and 950 - to the Committee on Local Legislation  
No. 1

### RESOLUTIONS

Senators Windom, Myers, and Figures requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 113.** MOURNING THE DEATH OF MR. OLIVER WASHINGTON, II, OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the recent death of Mr. Oliver Washington, II, of Mobile, Alabama, on April 14, 1997; and

WHEREAS, a devoted Christian of deep and abiding faith, Mr. Washington contributed generously to Our Lady of Lourdes Catholic Church where he held numerous offices and positions; he and his wife, Cleo, were recipients of Valentine Awards presented by Catholic Social Services; and

WHEREAS, Mr. Washington was widely known and admired through his involvement in leadership and service with numerous civic, cultural, and educational activities; he was also a very caring person whose concern for his family, friends, and the community was reflected daily through his many endeavors on their behalf; and

WHEREAS, a native and resident of Mobile, he also was a 1938 graduate of Dunbar High School, and was one of the pioneers of the local nursery business, founded Shore Acres Plant Farm, and ultimately became



the first black licensed nurseryman in Alabama; and

WHEREAS, Mr. Washington was indeed a kind, loving, and compassionate person whose lamentable death has left an unfathomable void in the hearts of all those whose lives he touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Oliver Washington, II, and extend our very deepest sympathy to his wife, Cleo Washington, his sons, Oliver Washington, III, Reginald Washington, and Feron Washington, his daughters, Vivian Bacot and Sister Rita Washington, and other family members, for whom a copy of this resolution shall be provided, so that they may know that we sincerely share their great and grievous loss.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Windom, Figures, and Myers requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 114. MOURNING THE DEATH OF W. L. "BILL" DARNELL OF MOBILE, ALABAMA.**

WHEREAS, it is with deepest sorrow and regret that the Alabama Legislature records the death of W. L. Darnell of Mobile, Alabama, April 13, 1997, at the age of 65 years; and

WHEREAS, a native and prominent member of the Mobile community, and president of W. L. Darnell and Associates, a process-serving business, Bill Darnell was serving his second four-year term as a Mobile County Constable at the time of his lamentable death, and resolute in his commitment to the welfare and well-being of his community and its people, discharged the duties and responsibilities of his office with unswerving dedication and devotion; he also was an Alabama State Constable, and had formerly served as vice president of the Mobile County Constables Office; and

WHEREAS, Mr. Darnell, most especially demonstrated his care and concern for the youth of the community and gave generously and selflessly of his time and efforts on their behalf; he was a founder of Cornerstone Children's Home, a temporary home for troubled youth, which he served as director for a time, and became a member of the board of St.

Mary's Children's Home when the two homes merged; a member and past president of the Exchange Club, and an original board member of the Exchange Club's Family Center, Mr. Darnell also was instrumental in securing the club's assistance in helping Cornerstone; and

WHEREAS, in additional capacities of service, Mr. Darnell served as a member of the board of Crimestoppers, the executive board of the state Republican Committee, the Bass Fishermen's Association, and Fulton Road Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are indeed saddened by the death of W. L. "Bill" Darnell of Mobile, Alabama, and, by copy of this resolution, extend deepest heartfelt sympathy to his devoted wife, Dorothy Darnell; seven children, Linda Trask, James L. Darnell, Renee D. Dorell, David T. Darnell, David Barnett, Traci Hager and Sherry Bell; his mother, Mary Alice Crosby; 12 grandchildren; and to other close family members and friends.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Langford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 115. COMMENDING HENRY TERRY AS AN AMERICAN HERO IN EDUCATION.**

WHEREAS, highest commendation is herein accorded Henry Terry, Choral Director, George Washington Carver High School, Montgomery, Alabama, who was one of only 10 teachers and principals nationwide to be selected as a recipient of the 1997 Reader's Digest American Heroes in Education Award; and

WHEREAS, a native of Elba, Henry Terry earned his bachelor's and master's degrees from Alabama State University; he came to Carver seven years ago to teach music theory and keyboarding at the Creative and Performing Arts Center and two years later left the magnet school to lead the choir at Carver High; and

WHEREAS, over the years, Henry Terry has impacted the lives of countless young people who have come under his tutelage and care, not only as a teacher but also as a friend, and has earned the highest regard and respect of all with whom he has been associated; also, under his talented leadership and guidance, the choir has grown from 12 students when he

first arrived to now include 100 students in three choral groups; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as recipient of the 1997 Reader's Digest American Heroes in Education Award, and in tribute to his outstanding achievement and contributions to the young people of our state, we hereby most highly commend and congratulate Henry Terry, and direct that he receive a copy of this resolution as a measure of our sincere regard and esteem.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 290.** Adopting the Alabama Uniform Interstate Family Support Act; defining certain terms and designating the state tribunal; specifying jurisdiction, including extended personal jurisdiction, proceedings involving two or more states, and reconciliation of multiple orders; providing civil provisions of general application, including proceedings under this law, action by a minor parent, application of law of the state, duties of initiating tribunal, duties and powers of responding tribunal, inappropriate court, duties of support enforcement agency, duties of the Attorney General, use of private counsel, duties of the Department of Human Resources as the state information agency, pleadings and accompanying documents, nondisclosure of information in exceptional circumstances, costs and fees, limited immunity of petitioner, nonparentage as a defense, special rules of evidence and procedure, communications between tribunals, assistance with discovery, and receipt and disbursement of payments; providing for the establishment of a support order and for the petition; providing for the enforcement of an order of another state without registration, including an employer's receipt and compliance with an income-withholding order, immunity from civil liability, penalties for noncompliance, contest by obligor, and administrative enforcement; providing for the enforcement and modification of a support order after registration, including registration and enforcement of a support order, contest of validity or enforcement, and registration and modification of a child support order; providing for proceedings to determine parentage; providing grounds and conditions for rendition;

and providing for uniformity of application, a saving clause, construction, a short title, severability, a delayed effective date, and to repeal on a specified date Sections 30-3-90 to 30-3-99, inclusive, and Sections 30-4-80 to 30-4-98, inclusive; and to amend Sections 6-9-232 and 26-17-10 of the Code of Alabama 1975, to conform references to this law.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**HB 807.** Relating to Sumter County; amending Sections 1, 2, and 3 of Act 2464, H. 2846 of the 1971 Regular Session (Acts 1971, p. 3929), as amended by Act 79-730, 1979 Regular Session (Acts 1979, p. 1299), providing for the issuance fee and distribution of the fee for pistol permits issued by the sheriff, to increase the fee and provide further for the distribution of the fee.

Also:

**HB 830.** Relating to Tuscaloosa County; providing that the license commissioner shall void any motor vehicle license when payment for the license is noncollectible.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**HB 192.** To require each county and city board of education to adopt a local salary schedule of at least 100 percent of the state salary matrix; to phase in the requirement over a two year period; to provide for an additional supplemental instructional salary component in the Foundation Program; to specify that the state salary matrix amounts shall be determined by the Legislature in the annual education appropriation act; and to establish an effective date.

Senator Dial offered the following substitute for the Bill, HB 192, to-wit:

**SUBSTITUTE FOR HB 192**

**A BILL  
TO BE ENTITLED  
AN ACT**

To require each county and city board of education to adopt a local salary schedule of at least 100 percent of the state salary matrix; to phase in the requirement over a two year period; to provide for an additional supplemental instructional salary component in the Foundation Program; to specify that the state salary matrix amounts shall be determined by the Legislature in the annual education appropriation act; to delay the ten mill equivalency requirement to be charged against local boards for one year; to provide a two and one-half percent salary increase for support personnel; and to establish an effective date.

On motion of Senator Sanders, said substitute was laid on the table.

Yeas 15 Nays 14

Yeas:

Senators:

Biddle, Davidson, Denton, Figures, Freeman, Hale, Langford, Lindsey,

McClain, Mitchell, Mitchem, Sanders, Smitherman, Steele, and Win-  
dom -15

Nays:

Senators:

Adams, Armistead, Barron, Butler, Dial, Dixon, Hill, Lipscomb, Little,  
Myers, Poole, Roberts, Smith, and Waggoner -14

### **PETITION**

At 4:05 P.M., the Standing Committee on Rules filed the following  
Petition, to-wit:

#### **PETITION TO CLOSE DEBATE**

We, the undersigned members of the Senate Rules Committee, pe-  
tition the Senate, pursuant to Senate Rule 20, that debate on the pending  
measure HB 192, shall cease at 4:35 p.m., on April 22, 1997.

PAT LINDSEY  
WENDELL MITCHELL  
HANK SANDERS  
RODGER SMITHERMAN  
CHIP BAILEY  
DEWAYNE FREEMAN

### **REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and  
House of Representatives, I respectfully report the following Bill delivered  
to the Governor with the date and hour of delivery, to-wit:

SB 290

Delivered to the Governor on April 22, 1997, at 2:03 P.M.

McDOWELL LEE,  
Secretary of Senate.

### **SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread  
upon the Journal.

**ADJOURNMENT**

At 4:13 P.M., on motion of Senator Windom, before reaching the hour of 4:35 P.M., when debate was to cease on the Bill, HB 192, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, HB 192, the Senate adjourned until Wednesday, April 23, 1997, at 10:30 A.M.

## **TWENTY-THIRD LEGISLATIVE DAY**

**WEDNESDAY, APRIL 23, 1997**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Edwin Beachum, St. Peter's Catholic Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Caron Camp, Randolph County High School, Wedowee, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.



**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senator Ghee for today.

**MOTION TO ADJOURN**

Senator Mitchell moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 24, 1997, at 10 o'clock A.M., which motion was adopted.

**COMMITTEE REPORT FILED**

Pursuant to the provisions of Act No. 79-43, the annual report of the Joint Interim Study Committee on Agriculture was filed with the Secretary.

**UNANIMOUS CONSENT GRANTED**

Senator Mitchell requested and received unanimous consent to allow Standing Committees to report out of order for today.

**REPORT FROM RULES**

Senator Lindsey, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 167.** DESIGNATING THE "HANK WILLIAMS MEMORIAL LOST HIGHWAY."

WHEREAS, the works of Hank Williams have played an influential role in the history of American music, affecting various styles including country, western, and rock and roll; moreover, his songs continue to afford great pleasure to life-long fans, as well as listeners newly discovering Hank and the Drifting Cowboys; and

WHEREAS, the State of Alabama is immensely proud to claim Hank Williams as a native son, and is highly aware of his international

appeal, as visitors from throughout the world make pilgrimages to our state to visit the sites where this enthralling entertainer lived; and

WHEREAS, Hank was born in 1923, in Georgiana, Alabama, and lived a large portion of his all-too-short life in Montgomery, Alabama, where his reputation and fame began to grow, and where he is buried beneath a monument reciting a few of his enduring works, including Your Cheatin' Heart; Cold, Cold Heart; and Jambalaya; and

WHEREAS, we note that Interstate 65 links those sites and places in South Alabama where Hank Williams lived and worked; and along this common connector the communities of Millbrook, Montgomery, Greenville, and Georgiana, which all share memories of this legendary minstrel, have approved the naming of this highway in tribute to this talented troubadour; and

WHEREAS, this legislative body declares that it is highly appropriate to establish a lasting and perpetual memorial to this unique and renowned Alabamian, so that both the citizens of our state and nation, as well as international travelers will know of our pride in this American icon, whose songs captured so clearly and concisely the feelings and emotions shared by all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Interstate 65 running from the southern-most city limits of the City of Millbrook to the city limits of Georgiana, is designated "The Hank Williams Memorial Lost Highway."

BE IT FURTHER RESOLVED, That the Alabama Department of Transportation, to whom a copy of this resolution shall be provided, is requested to work with the proper authorities to ensure that appropriate signs and markers bearing this designation are erected and maintained along this section of Interstate 65.

On motion of Senator Lindsey, said Resolution, HJR 167, was concurred in and adopted by the Senate.

### **UNFINISHED BUSINESS BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**HB 192.** To require each county and city board of education to

adopt a local salary schedule of at least 100 percent of the state salary matrix; to phase in the requirement over a two year period; to provide for an additional supplemental instructional salary component in the Foundation Program; to specify that the state salary matrix amounts shall be determined by the Legislature in the annual education appropriation act; and to establish an effective date.

### PETITION

At 11 o'clock A.M., the Standing Committee on Rules filed the following Petition, to-wit:

### PETITION TO CLOSE DEBATE

We, the undersigned members of the Senate Rules Committee, petition the Senate, pursuant to Senate Rule 20, that debate on the pending measure HB 192, shall cease at 11:45 A.M., on April 23, 1997.

PAT LINDSEY  
RODGER SMITHERMAN  
DEWAYNE FREEMAN  
WENDELL MITCHELL  
CHIP BAILEY  
ROGER BEDFORD  
HANK SANDERS

### REPORTS OF COMMITTEES

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey:

**SB 158.** To provide that a person who operates a motor vehicle on the public highways of this state who is involved in an accident that results in death or a serious physical injury shall be required to submit to a test to determine the content of alcohol, amphetamines, opiates, or cannabis in his or her blood if the law enforcement officer has reasonable grounds to believe that the person was operating a motor vehicle while under the influence of these substances; to provide for a penalty for refusal to submit to a test; and to provide for a due process hearing for relief from the penalties imposed.

Senator Bedford, Chairperson of the Standing Committee on Judi-

ciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, as amended, and it was read a second time and placed on the calendar, to-wit:

By Senators Clay, Steele, Dial, Butler, Dixon, Amari, Figures, and Smitherman (With Substitute, As Amended):

**SB 447.** Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to require certain disclosures and other requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and other persons with obligations to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; and to provide an aggrieved party a hearing process and restitution.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

**SB 483.** To provide that appeals from death sentence cases and from post conviction writs involving death sentence cases shall be made directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

By Senator Roberts:

**SB 487.** Relating to municipalities; to amend Section 11-51-91, Code of Alabama 1975, which relates to license taxes in the police jurisdiction of a municipality, to provide that any calculation as to the cost of providing services in the police jurisdiction shall not be required to be made based upon the incremental cost accounting method or any similar method which excludes therefrom the fixed or capital cost or expenditures of the municipality to provide services in the police jurisdiction and to provide

that it shall be sufficient calculation that the municipality make a reasonable estimate of the cost of providing the services within the police jurisdiction, including any fixed or capital cost it deems reasonable; to provide that a municipal governing body may cease to levy and collect license taxes and sales and use taxes within its respective police jurisdiction and, at the same time, cease providing services in the police jurisdiction financed in whole or in part thereby and to establish a procedure for the implementation thereof; to provide for the return of excess taxes collected from the police jurisdiction; to provide immunity from any liability or damages arising out of or in any way associated with the decision to terminate police jurisdiction services and taxation in the police jurisdiction; to provide that no city or town shall be required or compelled through injunctive, declaratory, or any other form of equitable or mandatory relief by any court of competent jurisdiction of this state to continue to provide any services within its respective police jurisdiction; to provide that this act shall not prohibit any city or town from providing services in its police jurisdiction or elsewhere as it is otherwise authorized to do by state law; and to validate ordinances previously adopted and implemented whose purpose was to terminate services within the police jurisdiction and to terminate the levy and collection of license taxes and sales and use taxes within the police jurisdiction.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Adams, Lipscomb, Smith, Hale, Dixon, Little, Amari, and Hill (With Amendment):

**SB 501.** To provide for the crime of assisted suicide; and to provide for a penalty.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

**SB 566.** To amend Sections 27-42-5, 27-42-8, and 27-42-11, Code of Alabama 1975, relating to insurance and the Alabama Insurance Guaranty Association; to give the association the right to intervene in any suit in regard to an insolvent insurer; to limit coverage of the association for claimants with a net worth exceeding \$25,000,000; and to allow the asso-

ciation to recover claims paid to an insured whose net worth exceeds \$25,000,000 or paid to any person who is an affiliate of the insolvent insurer.

By Senator Lindsey:

**SB 589.** To amend Sections 12-16-44, 12-16-57, 12-16-60, 12-16-63, 12-16-64, 12-16-70, 12-16-72, 12-16-76, 12-16-78, 12-16-81, 12-16-83, 12-16-85, and 12-16-86, Code of Alabama 1975, relating to jury selection; so as to provide for the creation of a master jury list in each county or territorial subdivision as required by law and the elimination of jury commissions; to authorize the presiding circuit court judge to select the source lists for compiling a master jury list for the circuit and the Administrative Office of Courts to update the list; to provide further for method of determining the qualifications of jurors; to provide further for the excusal of prospective jurors and the frequency of service; to provide for the maintenance of records relating to jury summoning and qualifying; to delete references to the drawing of names from a jury box and jury commissions; and to repeal Sections 12-16-30 to 12-16-38, inclusive, 12-16-40, 12-16-45 to 12-16-51, inclusive, 12-16-58 to 12-16-59, inclusive, 12-16-61, and 12-16-145, Code of Alabama 1975.

By Senator Mitchell:

**SB 594.** Providing for standards of confidentiality of mediation proceedings by non-attorneys.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Steele, McClain, Clay, and Escott-Russell (With Amendment):

**SB 605.** To provide for a civil cause of action against anyone who retaliates against a nurse who reports to a governmental entity that conditions in a health care facility are injurious to a patient's health.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Butler:

**SB 631.** To provide for stress time for investigators for district

attorneys who are not receiving stress time as of the effective date of this act and who are members of the Employees' Retirement System, and to provide for payment of the costs of the stress time.

By Senator Bedford:

**SB 657.** Providing for the purchase of prior service credit in the Judicial Retirement Fund subject to certain conditions by a judge who has returned to membership in the retirement fund after previously withdrawing his or her membership contributions from the retirement fund.

By Senator Bedford:

**SB 683.** To establish the Alabama Wilderness System; to provide permanent protection for certain state-owned lands in their wild and natural state; to provide for administration of state wilderness areas by the Department of Conservation and Natural Resources; to require all state agencies to study their land holdings for possible further wilderness area designations; and to provide for the duties of the Alabama Department of Environmental Management regarding the lands and waters designated as wilderness.

By Rep. Clouse:

**HB 50.** Relating to limited partnerships and foreign limited partnerships, to amend Sections 10-9A-2 and 10-9A-163 of the Code of Alabama 1975, so as to permit the abbreviation "L.P." in the name of these partnerships.

By Rep. Turner:

**HB 432.** To provide for the expungement of the law enforcement and trial court records of a person in certain instances.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Butler:

**SB 570.** To provide for distinctive motor vehicle license plates for the supporters of the Citizenship Trust; to provide for a fee; to provide

for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

By Rep. Guin:

**HB 270.** To amend Section 13A-11-8 of the Code of Alabama 1975, as last amended by Act 96-767 of the 1996 Regular Session, so as to clearly specify that the actions constituting the crimes of harassment and harassing communications are mutually independent.

By Rep. Turner:

**HB 164.** To amend Sections 41-9-340, 41-9-342, 41-9-345, 41-9-347, 41-9-348, 41-9-349, 41-9-351, and 41-9-357, Code of Alabama 1975; to further provide the terms, powers, and duties of the USS Alabama Battleship Commission; to provide the meetings of the commission; to provide for employee benefits; and to provide for the battleship fund.

By Senators McClain and Smitherman:

**SB 658.** Relating to any Class 1 municipality; to authorize the incorporation of an authority as a public corporation for the purpose of providing public transportation service, upon the filing of an application with, and the authorization of the incorporation by, the governing body of the principal county within which the authority proposes to furnish the service and the governing body of the Class 1 municipality in the county having the largest population according to the most recent federal decennial census; to provide for the amendment of the certificate of incorporation of an authority for certain purposes at any time, upon the authorization of each amendment by the governing body of the principal county by which its incorporation was authorized and by the governing body of the Class 1 municipality in the county; to provide for the election and compensation of directors of the authority; to provide for the powers, authorities, and duties of an authority and its board of directors; to authorize an authority to acquire, construct, operate, improve, and finance one or more transit systems; to confer on an authority the power of eminent domain; to authorize an authority to expend funds for the purchase or lease of materials, equipment, supplies, or other personal property involving less than \$2,000, employ officers, employees, and agents without regard to any provisions of the state bid law or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by the authority; to provide for the issuance by an authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of any tax proceeds



appropriated, allocated, or made payable to the authority or the revenues of any one or more of the transit systems of an authority, without regard to the system or systems with respect to which the revenue securities may have been issued; to provide that the revenue securities shall constitute negotiable instruments; to provide that the revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding an authority for the proper application of its revenues and of the proceeds of the revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable; to provide that any revenue securities of the authority may be issued under a trust indenture; to provide for constructive notice of any statutory mortgage lien; to authorize the assumption by an authority of obligations respecting any transit system, or parts thereof, acquired by the authority; to provide for the use of the proceeds of any revenue securities issued by an authority; to provide for the refunding, by the issuance of revenue securities of an authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by an authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend, or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to an authority; to exempt the property and income of an authority, and all securities issued by an authority and the income from the securities, and conveyances, leases, and mortgages and deeds of trust to which the authority is a party from all taxation in the state, to exempt every authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to provide that each authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by an authority; to require the board of directors of an authority to adopt an annual budget and to cause annual audits of the books and records of the authority to be made; to permit membership in labor organizations by employees of an authority; to provide that no employee of an authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; to provide for the dissolution of an authority and the disposition of its property; to provide for taxation; and to provide for a referendum.

By Senator Armistead:

**SB 680.** Establishing the Heather Act; to amend Section 26-18-

6, Code of Alabama 1975; to allow in personam and in rem jurisdiction over an abandoned child; and to provide for service by publication in certain cases involving an abandoned child.

By Senator Armistead:

**SB 681.** To amend Act 96-793, 1996 Regular Session, now appearing as Sections 15-20-21 to 15-20-24, inclusive, Code of Alabama 1975, to further provide for the Community Notification Act.

Senator Adams, Chairperson of the Standing Committee on Veterans and Military Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Butler:

**SB 632.** To amend Sections 32-6-291 and 32-6-292 of the Code of Alabama 1975, relating to distinctive license plates or tags for retired military personnel; to provide that retired military personnel with 15 years of military service may be issued a distinctive license plate or tag; and to provide for the issuance of the tags on recreational vehicles.

Senator McClain, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Minnifield and Houston:

**HB 682.** To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Fairfield in Jefferson County and may provide further for the operation of the board.

The above Bill was read a second time at length as required by the Constitution.

Senator Windom, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Notice and Proof):

**SB 652.** To provide for a retirement system for police and

firefighters of the City of Mobile, Alabama; providing for membership and service requirements, eligibility, amount, and payment of benefits; providing for employer and employee contributions to the system; providing for administration and management of the system under a board of trustees; providing for certain limitations on benefits to certain employees; providing for appeals from decisions made by the board; and repealing Act 243, H. 278, 1964 First Special Session (Acts 1964, p. 326), Act 400, H. 564, 1965 Regular Session (Acts 1965, p. 576), Act 359, H. 366, 1966 Special Session (Acts 1966, p. 499), Act 180, H. 167, 1967 Regular Session (Acts 1967, p. 231), Act 1484, S. 1030, 1971 Regular Session (Acts 1971, p. 2540), Act 887, S. 740, 1978 Regular Session (Acts 1978, p. 1315), Act 80-339, H. 875, 1980 Regular Session (Acts 1980, p. 458), Act 85-231, H. 211, 1985 Regular Session (Acts 1985, p. 130), Act 85-312, H. 176, 1985 Regular Session (Acts 1985, p. 211), Act 85-938, H. 129, 1985 Special Session (Acts 1985, p. 241), Act 86-475, H. 478, 1986 Regular Session (Acts 1986, p. 900), Act 90-198, S. 566, 1990 Regular Session (Acts 1990, p. 229), Act 91-701, H. 980, 1991 Regular Session (Acts 1991, p. 1365), and Act 95-571, H. 598, 1995 Regular Session (Acts 1995, p. 1194).

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (With Notice and Proof):

**SB 666.** Relating to Etowah County; to amend Sections 2 and 3, Act 95-284, H. 73, 1995 Regular Session, relating to the collection and distribution of the county sales and use tax effective January 1, 1996, to provide for the administration and collection of the tax by either the Etowah County Commission or a private entity; and to provide for annual distribution of the proceeds.

By Rep. Carothers (With Notice and Proof):

**HB 530.** To alter and rearrange certain boundary lines and corporate limits of the Town of Rehobeth, all in T2N, R26 in Houston County to remove certain property from the corporate limits of the municipality.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favor-

able report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon (With Substitute):

**SB 668.** Relating to assisted living administrators, to require the licensing of assisted living administrators; to establish a board of examiners for assisted living administrators and provide for the appointment of board members and their duties and functions; to provide for the review of board decisions and authorize the board to receive and expend funds; to provide for the governing body of the Alabama Association of Assisted Living Facilities to serve as an advisory council to the board; to establish procedures for examination, licensing, and reciprocity of licenses for assisted living administrators; to require continuing education for assisted living administrators; to authorize the board to conduct disciplinary proceedings, impose fines, and revoke and suspend licenses; and to prescribe penalties for violations of this act.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Amari and Adams:

**SB 671.** To provide that any person with two or more convictions of driving under the influence of any substance that impairs the ability of the person to safely operate a motor vehicle and who is subsequently convicted of driving under the influence of any substance that impairs their ability to safely operate a motor vehicle would pay an additional fee for reinstatement of their driver's license; and to provide for a distinctive "driving under the influence" driver's license.

By Reps. Jorgensen, Papucci, Sanderford, Thomas (D), Black (M), and Haney:

**HB 436.** To provide for third-party payment or prepayment of health or medical expenses to physicians for services provided by physician assistants working within the parameters of approved practices.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session,

had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Waggoner:

**SB 340.** To amend Section 12-17-142 of the Code of Alabama 1975, relating to supernumerary clerks and registers, to equalize the compensation for supernumerary clerks and registers and provide for a retroactive effect.

By Senator Langford:

**SB 409.** To amend Section 16-25-11.12, Code of Alabama 1975, to extend the time period in which a member of the Teachers' Retirement System may purchase service credit in the retirement system for maternity leave to October 1, 1997.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Roberts (With Amendment):

**SB 561.** To reopen the Teachers' Retirement System to purchase credit for service rendered in the office of a district attorney.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Biddle and Waggoner:

**SB 573.** To provide for a voluntary check-off designation on state income tax returns for the Alliance for the Mentally Ill of Alabama (AMI) and for the Mental Health Consumers of Alabama (MHCA).

By Senator Butler:

**SB 588.** To amend Section 40-23-1, as amended by Act 96-887, and Section 40-23-60, Code of Alabama 1975, relating to the sales and use

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taxes, to clarify the definition of certain property that is excluded from the sales tax and the use tax as sales at wholesale, and to make the definitions of such property the same in the use tax as in the sales tax.

By Senator Armistead:

**SB 655.** To amend Section 12-15-61 of the Code of Alabama 1975, as amended by Act 96-570, S. 119, 1996 Regular Session (Acts 1996, p. 864), relating to the disposition of delinquent children; to require the Department of Youth Services to accept a child for commitment within seven days after an order of commitment; and to require the Department of Youth Services to reimburse each county for the care of all children who are not accepted by the department within seven days after an order of commitment has been entered.

Senator Waggoner, Vice Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Armistead, Adams, Dial, Davidson, Bailey, Dixon, Roberts, Ghee, Amari, Hale, Poole, Hill, and Waggoner:

**SB 651.** To provide for a program of study in American Heritage Appreciation in the public schools of Alabama.

Senator Waggoner, Vice Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Rogers (J), Houston, McAdory, Newton (D), Perdue, Spratt, Hall (L), and Morrison (With Amendment):

**HB 384.** To amend Sections 16-8-42 and 16-11-27, Code of Alabama 1975, to require local boards of education to fully insure all school buildings and property, equipment, furniture, and supplies through the State of Alabama Risk Management System.

Senator Waggoner, Vice Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hill:

**HB 464.** To amend Section 16-8-26, Code of Alabama 1975, relating to personal leave for teachers, to incorporate other existing provisions for education support personnel and to repeal Section 16-8-26.1, Code of Alabama 1975, relating to personal leave of support personnel.

By Rep. Burke:

**HB 573.** Relating to the personnel records of education employees; to provide for reasonable access by the employees; to ensure that employees shall be able to answer or respond to derogatory materials placed in their files; and to establish other procedures and regulations pertaining to education employees' personnel files.

Senator Waggoner, Vice Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Knight (J) (With Amendment):

**HB 669.** To amend Section 36-7-21, Code of Alabama 1975; providing that institutions of higher learning may prepay certain travel expenses.

Senator Waggoner, Vice Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Hinshaw:

**HB 757.** To amend Section 16-36-29.1 of the Code of Alabama 1975; to provide for the purchase of equipment or electrical equipment by schools or teachers with funds allocated by the local board of education; and to establish other miscellaneous provisions relating to materials and supplies.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session,

had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Laird (With Substitute):

**HB 68.** To require certain state entities to notify the Office of Attorney General whenever any legal action is initiated against the entity; to require these entities to notify the Joint Fiscal Committee and the Legislative Fiscal Office whenever a legal action is instituted against the entity concerning the budget process or a revenue source; and to require these entities to notify the Legislative Council and Legislative Reference Service whenever a legal action is instituted against the entity concerning joint legislative operations.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Fuller:

**HB 76.** To amend Section 13-5A-191 of the Code of Alabama 1975, as last amended by Act No. 96-705, S. 182, 1996 Regular Session, relating to driving under the influence of alcohol and drugs and fines on convictions therefor, to further provide for the \$100 fine for distribution to the Impaired Drivers Trust Fund, after administrative costs; to further provide for the collection and distribution process of certain funds to the Impaired Drivers Trust Fund presently specified in Section 32-5A-191.1 and to repeal Section 32-5A-191.1, Code of Alabama 1975, relating to the fines designated for the Impaired Drivers Trust Fund; and to provide for a delayed effective date.

By Rep. Carter:

**HB 89.** To allow an active and contributing member of the Employees' Retirement System to purchase up to a certain amount of prior service credit in the system for service rendered as an employee of a welcome center.

By Reps. Turnham and Sanderson:

**HB 150.** Allowing a member of the Teachers' Retirement System to purchase credit in the system for full-time prior service with the



Cooperative Extension Service at Auburn University under certain conditions.

By Rep. Perdue:

**HB 187.** To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

By Rep. Perdue:

**HB 188.** To amend Sections 41-16-27 and 41-16-57 of the Code of Alabama 1975, relating to competitive bids on certain contracts, to extend the time limit for which contracts for the purchase of personal property or contractual services may be awarded.

By Rep. Laird:

**HB 262.** Providing for in-state travel expenses of certain state officials and amending Section 36-7-20 of the Code of Alabama 1975.

By Rep. Turnham:

**HB 672.** To amend Section 7 of Act 96-572, 1996 Regular Session, now appearing as Section 36-27-132, Code of Alabama 1975, to further provide for a cost-of-living increase for certain persons receiving benefits from the Employees' Retirement System, including beneficiaries of deceased persons currently receiving survivor benefits, who were employed by Auburn University or its cooperative extension service and whose effective date of retirement is prior to October 1, 1996.

Senator Hale, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Clay, Hill, Bailey, Figures, Bedford, Little, and Sanders:

**SB 595.** To propose an amendment to Amendment 93, as amended by Amendment 354, to the Constitution of Alabama of 1901, to allow the expenditure of certain motor vehicle related fees and taxes for costs related to public transportation.

The above Bill was read a second time at length as required by the Constitution.

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By Senator Poole:

**SB 630.** To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

**SB 629.** To amend Section 35-11-46, Code of Alabama 1975, relating to the filing of federal liens, to require the cross-indexing of liens against real property in the grantor and grantee index in the judge of probate's office.

By Reps. Townsend, Wren, McKee, and Murphree:

**HB 709.** To amend Sections 1 and 2 of Act 96-692, 1996 Regular Session, now appearing as Section 27-2-39, Code of Alabama 1975; to further clarify the distribution of proceeds collected by the Commissioner of Insurance for deposit in the Insurance Department Fund, and to provide that the amendment is retroactively effective to October 1, 1996.

Senator Butler, Chairperson of the Standing Committee on Small Business and Rural Development, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Butler:

**SB 583.** Requiring a law enforcement officer who gives citations for moving traffic violations based on the use of radar or any other electronic speed detection equipment to be certified in the use of the radar or the other equipment used; to provide that citations given by a law enforcement officer who is not certified shall be invalid; and to provide for a delayed effective date.

By Senator Denton:

**SB 591.** To amend Sections 31-9-2, 31-9-6, 31-9-7, 31-9-8, 31-

9-9, 31-9-10, 31-9-14, 31-9-16, 31-9-17, 31-9-18, and 31-9-21 of the Code of Alabama 1975; to redefine mutual interstate aid agreements and compacts to incorporate the Southern Governor's Association Southern Regional Emergency Management Compact for mutual assistance between states; to provide for civil defense in emergency situations; to expand the powers and duties of the Governor; and to repeal Section 31-9-12 of the Code of Alabama 1975, relating to reimbursement of expenses of operation of mobile support units.

By Senators Butler and Hale:

**SB 592.** To amend Section 11-50-393, Code of Alabama 1975, relating to the formation of a gas district by two or more municipalities, to further provide for the directors' fees of the chair and members of the board of directors of the district.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedford:

**SB 120.** To make an appropriation from the Education Trust Fund in the State Treasury to the Alabama Center for Advanced Woodworking Technology, in the amount of two hundred thousand dollars (\$200,000) for the fiscal year ending September 30, 1998.

By Senator Sanders:

**SB 203.** To make an appropriation of \$150,000 from the Education Trust Fund to the Civic Education Project at the National Voting Rights Museum and Institute for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Sanders:

**SB 270.** To make an appropriation of \$200,000 from the Education Trust Fund for Citizenship, Character and Leadership Education through the 21st Century Youth Leadership Movement, for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Senators Butler, Freeman, Roberts, Hale, and Waggoner:

**SB 310.** To make a conditional appropriation to the State Board of Education from the Education Trust Fund for the fiscal year ending September 30, 1997, to be used to offset the cost of providing salary increases for those local boards of education which would have received additional hold harmless funding if the entire 4% pay increase had been excluded from the Hold Harmless calculations.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Roberts (With Substitute):

**SB 547.** Relating to the public schools; to honor the life and public service of Representative Sam Letson of Lawrence County, deceased, by establishing the framework for Letson Grants; to authorize the Legislature to make appropriations in any amount it deems appropriate for Letson Grants; to define certain terms; to establish the rules and procedures for applying for, disbursing, and receiving grants; to rename the Alabama Education Foundation for Kindergarten through Grade Twelve Public Schools, the Foundation for Local Schools; to conform to changes provided in this law provisions relating to the funds of the foundation concerning investment, withdrawal, reinvestment of earnings, expenditure restrictions, withdrawal timelines, incorporation and certificate of incorporation, and procedures in instances of closure or merger of a school system; to provide for the refunding of the principal sum upon petition; to provide for treatment of community schools; to provide for the dissolution of the foundation; to specify the duties of the State Superintendent of Education and the Chief Executive Officer of the Teachers' Retirement System; to permit the acceptance of private gifts; to specify the board of control as the incorporator of the foundation; to alter distribution of the proceeds of the state-sponsored credit card program; to permit the financial institution which administers the state-sponsored credit card program to rename the credit card; to amend Sections 16-26C-1, 16-26C-2, 16-26C-4, 16-26C-6, 16-26C-8, 16-26C-9, 16-26C-13, 5-23-4, and 5-23-5 of the Code of Alabama 1975; and to repeal Section 16-26C-5 of the Code of Alabama 1975, relating to the Board of Trustees of the Alabama Education Foundation for Kindergarten through Grade Twelve Public Schools; and to provide for a delayed effective date.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session,

had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smitherman:

**SB 555.** To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the Alabama Sports Festival, in the amount of \$125,000 for the fiscal year ending September 30, 1997.

By Senator Sanders:

**SB 609.** To provide the "Education Revisions Act of 1997"; to amend Sections 16-6B-1, 16-6B-2, 16-6B-3, 16-6B-7, and 16-13-231, Code of Alabama 1975; to establish the Alabama K-12 Education Funding Study Council; and to establish the Alabama K-12 Education Facilities Study Committee.

By Senator Sanders:

**SB 643.** To amend Section 16-11-3.1, Code of Alabama 1975, relating to the appointment of city boards of education in Class 5 municipalities, to specify when the members of the board would take office.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Fuller and Curry (With Substitute):

**HB 95.** To make an appropriation of \$147,000 from the State General Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Fuller and Curry (With Amendment):

**HB 105.** To make an appropriation of \$23,262,924 from the

Education Trust Fund, an appropriation of \$2,751,000 from the Driver Impaired Trust Fund, and an appropriation of \$85,463,872 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1998.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to- wit:

By Reps. Curry and Fuller (With Substitute):

**HB 122.** To make an appropriation of \$1,049,579 from the State General Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Curry and Fuller (With Substitute):

**HB 123.** To make an appropriation of \$307,615 from the State General Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Fuller and Curry (With Substitute):

**HB 124.** To make an appropriation of \$20,000 from the State General Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Curry and Fuller (With Substitute):

**HB 125.** To make an appropriation of \$100,000 from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Fuller and Curry (With Substitute):

**HB 126.** To make an appropriation of \$50,000 from the Education Trust Fund to Educational Resources, Inc. for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Fuller and Curry (With Substitute):

**HB 127.** To make an appropriation of \$1,180,196 from the State General Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Curry and Fuller (With Substitute):

**HB 130.** To make an appropriation of \$146,250 from the State General Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Kennedy, Curry, and Fuller (With Substitute):

**HB 131.** To make an appropriation of \$1,756,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Fuller and Curry (With Substitute):

**HB 132.** To make an appropriation of \$17,681 from the State General Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, as amended, and they were read a second time and placed on the calendar, to-wit:

By Rep. Curry (With Substitute, As Amended):

**HB 196.** To make an appropriation to the Department of Public Health in the amount of \$4,714,831 from the State General Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1998.

By Rep. Curry (With Substitute, As Amended):

**HB 198.** To make an appropriation of \$4,498,566 from the Edu-

cation Trust Fund to the State Board of Education for the support and maintenance of special programs for special education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Fuller (With Substitute):

**HB 425.** To make an appropriation of \$250,000 from the Education Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1998, and to require an audited financial statement and operations plan prior to release of any funds.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Petelos and Boyd:

**HB 488.** To amend Sections 15-23-3, 15-23-5, 15-23-12, and 15-23-15, Code of Alabama 1975, relating to the Alabama Crime Victims' Compensation Commission, and the Commission Fund; to further provide for the duties of the commission; and to provide further for the compensation awarded to individual victims and dependents of victims of violent crimes.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Haney, Sanderford, Allen, Hawkins, Townsend, Petelos, Thomas (D), Morton, Rogers (M), Gaines, Curry, and Sanderson (With Substitute):

**HB 639.** To make an appropriation of \$500,000 from the State General Fund to the Constitution Hall Village in Huntsville for the fiscal



year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

### FURTHER CONSIDERATION OF PETITION

The Senate proceeded to further consideration of the Petition to cease debate relative to HB 192.

Which was adopted.

Yeas 22 Nays 8

Yeas:

Senators:

Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, McClain, Mitchell, Sanders, Smith, Smitherman, Steele, and Windom -22

Nays:

Senators:

Adams, Dial, Lipscomb, Little, Mitchem, Myers, Poole, and Waggoner- 8

### FURTHER CONSIDERATION OF HB 192

The Senate proceeded to further consideration of the Bill, HB 192.

And said Bill, HB 192, was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### INTRODUCTION OF BILLS

Senator Bailey requested and received unanimous consent to introduce the following bill, and it was read one time, and referred to appropriate standing committee, as follows:

**SB 689.** To amend Section 40-23-62, Code of Alabama 1975,

relating to exemptions from use tax, to provide that a transaction is exempt from use tax if sales tax has been paid on the transaction by the purchaser; and to provide for a retroactive effective date.

Committee on Fiscal Responsibility  
and Accountability

Senator Armistead requested and received unanimous consent to introduce the following bill, and it was read one time, and referred to appropriate standing committee, as follows:

**SB 690.** To amend Sections 26-18-7 and 26-18-8, Code of Alabama 1975; to require that the court having jurisdiction over a child who is the subject of an action for termination of parental rights must terminate the parental rights of any parent convicted of engaging in any of the following acts with or against his or her biological or adopted child, or of any parent convicted of aiding and abetting another parent or any other person in engaging in any of the following acts with or against his or her biological or adopted child: Sexual intercourse, deviate sexual intercourse, rape in the first or second degree, sodomy in the first or second degree, sexual misconduct, sexual torture, murder of a sibling, whether of the full blood, half blood, or by adoption, and intentional assault in the first degree; to provide that the court having jurisdiction over a child who is the subject of an action for the termination of parental rights would provisionally terminate parental rights with the possibility of permanent termination in cases where a mother who is addicted to a Schedule I controlled substance, with the exception of marihuana, gives birth to a child, and would require such mother to enter a mandatory drug treatment and rehabilitation program assigned by the court, and be subject to monthly drug tests and unannounced spot checks for drugs for a period of two years; to provide that any mother who tests positive for any Class I controlled substance, with the exception of marihuana, within the two-year period shall have her parental rights permanently terminated if it is proved beyond a reasonable doubt that the mother took such drugs voluntarily; to provide for notification of the Department of Human Resources when a mother, whose parental rights were terminated for any cause under this act, subsequently gives birth to another child following the termination of parental rights of the first child; to provide that the Department of Human Resources monitor such a mother in the manner and for the time deemed necessary to assure the protection and safety of the child, and in the event of imminent danger to the child from any criminal action for which parental rights may be terminated under this act, to institute action for the provisional termination of parental rights with the possible permanent termination of parental rights as provided by this act; to provide that the removal of the parental rights of one parent for cause would not result in the removal of the parental rights of another parent without

cause, and that parental rights will not be terminated under the provisions of this act unless and until conviction of a parent has occurred under one of the provisions of this act; and to require that the court having jurisdiction over a child who is the subject of an action for the termination of parental rights would be required to issue its judgment within 12 months from the date of the initial filing, and would permit any party to the action to mandamus the court for inaction if the court failed to issue such judgment.

Committee on Governmental Affairs

### RECESS

At 11:50 A.M., on motion of Senator Amari, the Senate took a recess until 1:30 P.M.

The recess period having expired, at 1:30 P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 106.** COMMENDING MRS. CHARLIE MAE HENDERSON FOR HER OUTSTANDING SERVICE WITH THE INTERNATIONAL BROTHERHOOD PROTECTIVE ORDER OF ELKS OF THE WORLD.

Also:

**SJR 107.** RECOGNIZING BAMA SOIL SERIES AS THE OFFICIAL STATE SOIL.

Also:

**SJR 108.** COMMENDING DR. EDWARD BUNKER TAYLOR FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

Also:

**SJR 109.** RECOGNIZING THE CALERA HIGH SCHOOL BASKETBALL TEAM ON ITS 1996-1997 CLASS 2A STATE CHAMPIONSHIP.

Also:

**SJR 110.** COMMENDING CALERA HIGH SCHOOL BASKETBALL HEAD COACH ROBERT BURDETTE.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 94.** COMMENDING AND SUPPORTING THE COUNTY DIRECTORS OF HUMAN RESOURCES AND THEIR STAFF.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 324.** To amend Sections 25-4-72 and 40-18-100, Code of Alabama 1975, relating to unemployment compensation weekly benefits, to further provide for the amount of unemployment compensation benefits; to include the Department of Industrial Relations as a claimant agency for the purpose of seeking relief through setoff debt collection; and to provide for a retroactive effect.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 192.** To require each county and city board of education to

adopt a local salary schedule of at least 100 percent of the state salary matrix; to phase in the requirement over a two year period; to provide for an additional supplemental instructional salary component in the Foundation Program; to specify that the state salary matrix amounts shall be determined by the Legislature in the annual education appropriation act; and to establish an effective date.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 167.** DESIGNATING THE "HANK WILLIAMS MEMORIAL LOST HIGHWAY."

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **BUDGET ISOLATION RESOLUTION**

Senator Bedford, B.I.R., SB 88, adopted.

Yeas 20 Nays 4

Yeas:

Senators:

Bedford, Biddle, Butler, Davidson, Denton, Escott-Russell, Figures, Freeman, Hale, Langford, Lipscomb, Little, McClain, Mitchell, Myers, Roberts, Sanders, Smith, Smitherman, and Windom -20

Nays:

Senators:

Amari, Clay, Hill, and Steele - 4

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 88.** Relating to the compensation of the sheriff; to amend Section 36-22-16, Code of Alabama 1975, which relates to the minimum compensation to be paid to sheriffs, to provide for an increase in the compensation.

was taken up.

Senator Dial offered the following substitute for the Bill, SB 88, to-wit:

### **SUBSTITUTE FOR SB 88**

#### **A BILL TO BE ENTITLED AN ACT**

Relating to the compensation of the sheriff; to amend Section 36-22-16, Code of Alabama 1975, which relates to the minimum compensation to be paid to sheriffs, to provide for an increase in the compensation; and to provide for a portion of the salary of the sheriff to be paid from the State General Fund effective October 1, 1998.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 36-22-16, Code of Alabama 1975, is amended to read as follows:

“§36-22-16.

“(a) Sheriffs of the several counties in this state shall be compensated for their services by an annual salary payable in equal installments

out of the county treasury as the salaries of ~~other~~ county employees are paid. The annual salary of the sheriff shall be ~~\$35,000.00~~ fifty thousand dollars (\$50,000), commencing with the next term of office, unless a higher salary is specifically provided for by an existing law or by a general or local act hereafter enacted.

“(b) ~~Such~~ The salary provided in subsection (a) shall be in lieu of all fees, compensation, allowance, percentages, charges, and costs, except as otherwise provided by law. The sheriff and ~~his~~ deputies shall, however, be entitled to collect and retain ~~such the~~ mileage and expense allowance as ~~may be~~ payable according to law for returning or transferring prisoners and insane persons to or from points outside the county.”

Section 2. Beginning on October 1, 1998, the salary of each sheriff shall be annually subsidized by the State General Fund in the amount of forty thousand dollars (\$40,000). The subsidy shall be paid quarterly by the State Comptroller into the County General Fund for each county to be used to pay the salary of the sheriff.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 29 Nays 2

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nays:

Senators:

Amari and Freeman

- 2

## PETITION

At 1:55 P.M., the Standing Committee on Rules filed the following Petition, to-wit:

## PETITION TO VOTE TIME CERTAIN

We, the undersigned members of the Senate Rules Committee,

petition the Senate, pursuant to Senate Rule 20, that debate on the pending measure SB 88, shall cease at 2:30 P.M., on April 23, 1997.

DEWAYNE FREEMAN  
ROGER BEDFORD  
JACK BIDDLE, III  
WENDELL MITCHELL  
STEVE WINDOM  
PAT LINDSEY

Which was adopted.

Yeas 22 Nays 4

Yeas:

Senators:

Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Roberts, Sanders, Smitherman, Steele, and Windom -22

Nays:

Senators:

Adams, Dixon, Lipscomb, and Poole - 4

### **FURTHER CONSIDERATION OF SB 88**

The Senate proceeded to further consideration of the Bill, SB 88, as amended.

Senator Dixon offered the following amendment to the Bill, SB 88, as amended, to-wit:

### **AMENDMENT TO SB 88**

Amend SB 88, as amended, on page 3 before line 1 by inserting a new Section 3 and renumbering all subsequent sections accordingly, which new Section 3 reads as follows:

“Section 3. The provisions in Section 36-22-62 (b) notwithstanding, the increase provided in this amendatory act shall in no way apply to the salary or other compensation paid to a supernumerary sheriff.”

Which was adopted.

Yeas 28 Nays 0



Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Freeman, Hale, Hill, Langford, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 94.** COMMENDING AND SUPPORTING THE COUNTY DIRECTORS OF HUMAN RESOURCES AND THEIR STAFF.

Also:

**SJR 106.** COMMENDING MRS. CHARLIE MAE HENDERSON FOR HER OUTSTANDING SERVICE WITH THE INTERNATIONAL BROTHERHOOD PROTECTIVE ORDER OF ELKS OF THE WORLD.

Also:

**SJR 107.** RECOGNIZING BAMA SOIL SERIES AS THE OFFICIAL STATE SOIL.

Also:

**SJR 108.** COMMENDING DR. EDWARD BUNKER TAYLOR FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

Also:

**SJR 109.** RECOGNIZING THE CALERA HIGH SCHOOL BASKETBALL TEAM ON ITS 1996-1997 CLASS 2A STATE CHAMPIONSHIP.

Also:

**SJR 110.** COMMENDING CALERA HIGH SCHOOL BASKETBALL HEAD COACH ROBERT BURDETTE.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 324.** To amend Sections 25-4-72 and 40-18-100, Code of Alabama 1975, relating to unemployment compensation weekly benefits, to further provide for the amount of unemployment compensation benefits; to include the Department of Industrial Relations as a claimant agency for the purpose of seeking relief through setoff debt collection; and to provide for a retroactive effect.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### **FURTHER CONSIDERATION OF SB 88**

The Senate proceeded to further consideration of the Bill, SB 88, as amended.

Senator Butler offered the following amendment to the Bill, SB 88, as amended, to-wit:

**AMENDMENT TO SB 88, AS AMENDED**

On page 2, after line 19, add the following new subsection (c):

“(c) Any savings to a county resulting from the 1997 act amending this section may be used for the hiring of deputy sheriffs or for salary increases for deputy sheriffs.”

Which was adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -29

Nays:

- 0

And said Bill, SB 88, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

Senator Bedford moved that the Senate reconsider the vote by which the Bill, SB 88, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**BILL RE-REFERRED**

Senator McClain, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the Bill, SB 662, and ordered same returned to the Senate with the rec-

ommendation that it be re-referred to another committee.

And the President and Presiding Officer of the Senate ordered said Bill, SB 662, re-referred to the Standing Committee on Judiciary.

### **BUDGET ISOLATION RESOLUTION**

Senator Windom, B.I.R., SB 304, adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dixon, Escott-Russell, Figures, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 304.** To amend Section 40-18-25 of the Code of Alabama 1975, relating to estates and trusts, to clarify that the federal grantor trust rules are used to calculate the amount of the net income of a trust for income tax purposes.

### **PETITION**

At 2:45 P.M., the Standing Committee on Rules filed the following Petition, to-wit:

### **PETITION TO CLOSE DEBATE**

We, the undersigned members of the Senate Rules Committee, petition the Senate, pursuant to Senate Rule 20, that debate on the pending measure SB 304, shall cease at 3:15 P.M., on April 23, 1997.

PAT LINDSEY  
RODGER SMITHERMAN  
DEWAYNE FREEMAN  
WENDELL MITCHELL  
CHIP BAILEY  
ROGER BEDFORD

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HANK SANDERS  
STEVE WINDOM

Which lost for failure to received the required three-fifths vote of those elected.

Yeas 13 Nays 9

Yeas:

Senators:

Bedford, Butler, Clay, Denton, Freeman, Langford, Lindsey, McClain, Mitchell, Sanders, Smitherman, Steele, and Windom - 13

Nays:

Senators:

Adams, Armistead, Barron, Dixon, Hale, Hill, Lipscomb, Little, and Poole - 9

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 88.** Relating to the compensation of the sheriff; to amend Section 36-22-16, Code of Alabama 1975, which relates to the minimum compensation to be paid to sheriffs, to provide for an increase in the compensation; and to provide for a portion of the salary of the sheriff to be paid from the State General Fund effective October 1, 1998.

PAT LINDSEY,  
Chairperson.

**FURTHER CONSIDERATION OF SB 304**

The Senate proceeded to further consideration of the Bill, SB 304.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and Sen-

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ate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 94    SJR 107    SJR 108    SJR 109    SJR 110    SB 324  
SJR 106

Delivered to the Governor on April 23, 1997, at 2:09 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 3:40 P.M., on motion of Senator Amari, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, SB 304, the Senate adjourned until Thursday, April 24, 1997, at 10 o'clock A.M.

## **TWENTY-FOURTH LEGISLATIVE DAY**

**THURSDAY, APRIL 24, 1997**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Rabbi Lawrence Schlesinger, Temple Beth Or, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Rodney Wagstaff, Sidney Lanier High School (LAMP), Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

## **JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

## **LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senators Clay, Dial, and Ghee for today.

## **MOTION TO ADJOURN**

Senator Mitchell moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 29, 1997, at 11 o'clock A.M., which motion was adopted.

## **COMMITTEE REPORT FILED**

Pursuant to the provisions of Act No. 83-761, the annual report of the Alabama Permanent Oil and Gas Study Committee was filed with the Secretary.

## **RESOLUTION**

Senator Mitchell requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 116.** URGING THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO REMOVE THE ENVIRONMENTAL CONTAMINATION AT THE INTERSTATE LEAD COMPANY SUPERFUND SITE IN LEEDS, ALABAMA.

WHEREAS, the Legislature of Alabama notes its concern with the U.S. Environmental Protection Agency's ("EPA") decision to leave large volumes of contaminated waste in and around the Interstate Lead Company Superfund Site ("ILCO Site") in the City of Leeds in Jefferson County, Alabama; and

WHEREAS, the EPA has in its Records of Decision ("RODs"), on September 30, 1991, October 13, 1994, September 25, 1995, and August 27, 1996, considered various options to treat, remove, and dispose of contaminated soils, sediment, surface and ground water at the ILCO Site; and

WHEREAS, in its August 27, 1996 ROD, and January 2, 1997



Consent Decree lodged in U.S. v. Alpert Iron & Metal Corp. et al., Civil Action No. CV-97-AR-0001-S (N.D.Ala.), the latter resolving a judicial enforcement action against certain potentially responsible parties ("PRP's"), EPA has proposed to treat, cap, and leave on-site large volumes of the contaminated materials listed above and to only remediate a small portion of the contaminated materials; and

WHEREAS, the residents of Leeds and of Jefferson and St. Clair Counties have for many years been subjected to current or potential threats to human health and to the environment through exposure to toxic chemicals, contamination of the soil, and surface and ground waters, and will remain subject to these dangers and mental anguish should EPA allow these contaminants to remain in the environment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most strongly urge the Environmental Protection Agency and the Alabama Department of Environmental Management to consider the adverse effects of allowing large amounts of hazardous waste and contaminated environmental media to remain at the ILCO Site, and to further consider the beneficial effects to the environment and peace of mind of the local residents that would result from the complete removal of the contamination to an approved hazardous waste disposal facility.

BE IT FURTHER RESOLVED, That the Attorney General of Alabama is encouraged to investigate EPA's proposed remedial decision and determine whether it complies with federal and state environmental requirements and that a copy of this resolution be forwarded to Carol Browner, Director EPA; Jim Warr, Director ADEM; the Attorney General of Alabama; the Director of EPA Region IV; and the Mayor of Leeds, Alabama.

On motion of Senator Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 427.** Relating to DeKalb County; providing for the expense allowance of the coroner.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 541.** To amend Sections 34-29-61, 34-29-63 to 34-29-79, inclusive, 34-29-81 to 34-29-92, inclusive, and 34-29-94 of the Code of Alabama 1975, relating to the Alabama Veterinary Practice Act; to rename the board; to provide for an executive director, duties, and salary; to provide for an Administrative Code of the board; to provide for administrative hearings; to provide for actions to be brought in the Circuit Court of Montgomery County for the unauthorized practice of veterinary medicine; to provide for the issuance of temporary licenses; to provide for the use of unregistered assistants; and to specifically repeal Section 34-29-93 of the Code of Alabama 1975, relating to six months internship of applicants for licensing.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 113.** MOURNING THE DEATH OF MR. OLIVER WASHINGTON, II, OF MOBILE, ALABAMA.

Also:

**SJR 114.** MOURNING THE DEATH OF W. L. "BILL" DARNELL OF MOBILE, ALABAMA.

Also:

**SJR 115.** COMMENDING HENRY TERRY AS AN AMERICAN HERO IN EDUCATION.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

**SB 438.** To amend Section 38-4-12, Code of Alabama 1975 to further provide for the distribution of the one mill ad valorem tax; and to create the Alabama Veterans' Assistance Fund in the state treasury.

And the Speaker of the House has appointed as Committee on part of the House, Reps. Burke, McMillan, and Rogers (J).

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Fuller, Hammett, Galliher, Boyd, Johnson (R), Dolbare, Jackson, Vance, Clark (W), Maull, and Minnifield:

**HB 1027.** To amend Sections 40-26B-20, 40-26B-21, 40-26B-22, and 40-26B-26, Code of Alabama 1975, relating to increasing the privilege tax on the business activities of nursing facilities within the State of Alabama from \$999.96 per facility bed to \$1,200 per facility bed, to place an annual cap on the privilege tax of 6 percent of total revenues received by nursing facilities, and further, providing clarifying language relative to certain Medicaid program nursing facility reimbursement requirements.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1027 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Warren, Turner, McMillan, White, Ford, Carter, Layson, and Collins:

**HB 191.** To provide for distinctive motor vehicle license plates for supporters of the Alabama Wildlife Federation; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 191 - to the Committee on Banking and Insurance

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson (R) and Drake:

**HB 625.** To authorize registered nurses employed by the State Health Department or county health departments to dispense legend drugs under the supervision of a physician and a pharmacist pursuant to procedures established by the State Board of Pharmacy; and for this purpose to amend Section 34-23-11 of the Code of Alabama 1975.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 625 - to the Committee on Health and Human Resources

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Lindsey:

**HB 153.** To provide for distinctive motor vehicle license plates to honor cotton producers; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 153 - to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Parker (T):

**HB 701.** To provide for distinctive motor vehicle license plates for members of the Alabama Association of Realtors; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to

provide for an appropriation; and to provide for a delayed effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 701 - to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hooper:

**HB 603.** To provide for distinctive motor vehicle license plates for supporters of the Alabama Sports Festival, Inc.; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 603 - to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clouse and Baker (With Notice and Proof):

**HB 973.** Relating to Dale County; to provide for a procedure for optional renewal by mail of motor vehicle licenses and tags, boat licenses, and manufactured home licenses; and to authorize a fee for mail order services.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 973, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Thomas (J) (With Notice and Proof):

**HB 980.** Relating to Wilcox County; providing for an additional expense allowance and salary for the members of the Wilcox County Board of Education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 980, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 973 and 980 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills

and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDaniel and Hawk (With Notice and Proof):

**HB 999.** Relating to Marshall County; to provide that the county commission may pay life insurance premiums for its retired employees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 999, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Pringle (With Notice and Proof):

**HB 1011.** Relating to Mobile County; repealing Act 476, H. 1434, 1915 Regular Session, which prohibits persons from hauling timber or logs on a two wheel vehicle over the highways of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1011, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### **HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 999 - to the Committee on Local Legislation No. 1

HB 1011 - to the Committee on Local Legislation No. 3

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills



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and ordered same sent forthwith to the Senate without engrossment:

By Reps. Warren and Jackson (With Notice and Proof):

**HB 1017.** To alter or rearrange the boundary lines of the City of Monroeville, Monroe County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Monroeville, Monroe County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1017, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Seibenhener (With Notice and Proof):

**HB 1030.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Geneva in Geneva County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1030, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1017 and 1030 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills

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and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (With Notice and Proof):

**HB 900.** Relating to Mobile County; to amend Section V of Act 470, H. 952, 1939 Regular Session (Local Acts 1939, p. 298), as further amended by Act 167, H. 231, 1955 Regular Session (Local Acts 1955, p. 431); Act 684, H. 594, 1976 Regular Session (Acts 1976, p. 939); and Act 86-479, H. 629, 1986 Regular Session (Acts 1986, p. 910), relating to the establishment of a countywide civil service system; to add the Treasurer of Mobile County to the Supervisory Committee of the Mobile County Personnel Board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 900, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Parker (T) (With Notice and Proof):

**HB 964.** To provide for the per diem compensation of members of the Tuscaloosa County Board of Registrars and to specifically repeal Act 557, H. 1300, 1977 Regular Session (Acts 1977, p. 747).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 964, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 900 - to the Committee on Local Legislation No. 3

HB 964 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Starkey, Fuller, Hammett, Clark (J), Carter, and Hamilton:

**HB 1012.** To amend Section 40-23-62, Code of Alabama 1975, relating to exemptions from use tax, to provide that a transaction is exempt from use tax if sales tax has been paid on the transaction by the purchaser; and to provide for a retroactive effective date.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1012 - to the Committee on Fiscal Responsibility and Accountability

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hammett:

**HB 912.** To provide for distinctive motor vehicle license plates for the 4-H Club Foundation; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 912 - to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hogan (With Notice and Proof):

**HB 989.** Relating to the City of Sumiton in Walker County and the 14th Judicial Circuit; to levy certain additional costs and charges of court, to provide that the costs and charges shall be placed in a special Hazardous Duty Pay Fund, to provide hazardous duty pay for all sworn City of Sumiton police officers and all City of Sumiton jailers; to provide for the City Council of Sumiton to increase the amount of hazardous duty payments; and to provide for implementation of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 989, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Boyd (With Notice and Proof):

**HB 990.** Relating to Calhoun County; authorizing the sheriff to operate a jail store and telephone system for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 990, AS REQUIRED IN THE GEN-

ERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 989 and 990 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Jorgensen and Haney (With Notice and Proof):

**HB 986.** Relating to Madison County; to amend Section 1 of Act 90-695, H. 789 of the 1990 Regular Session (Acts 1990, p. 1350), relating to court costs, to provide for an increase in court costs collected in all district court cases.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 986, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Hinshaw (With Notice and Proof):

**HB 1002.** To amend Section 1 of Act 940, H. 1956, 1973 Regular Session (Acts 1973, p. 1445), as amended, relating to Madison County and the Twenty-third Judicial Circuit; establishing the "District Attorney's Fund" and to further regulate the distribution of the fund; and specifically

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repealing Section 2 of Act 940, H. 1956, 1973 Regular Session (Acts 1973, p. 1445) relating to the fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1002, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 986 and 1002 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Robinson:

**HB 529.** To provide site preparation grants to certain qualified corporations and to provide for retroactive effect.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 529 - to the Committee on Finance and Taxation General Fund

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Moore:

**HB 479.** Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coffee County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 479 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (R):

**HB 797.** To make an appropriation of \$100,000 from the State General Fund to the Alabama Child Caring Program for the Alabama Caring Program for Children, for the fiscal year ending September 30, 1997, and to require an operations plan within one month after the effective date of this act.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 797 - to the Committee on Economic Expansion and Trade

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Box, Buskey, Crigler, Dean, Gaston, Turner, Kennedy, Clark (W), and Mitchell:

**HB 545.** To amend Section 33-2-185, 33-2-188 and 33-2-189, Code of Alabama (1975) which relate to the sale and issuance by Alabama State Docks Department of its dock facilities revenue bonds and refunding bonds, to provide for public sale of such bonds to the bidder therefor whose bid reflects the lowest true interest cost to the department for the series of bonds being sold thereby, to permit the public sale of such bonds upon publication of summary notice thereof, provide such summary notice shall be published at least one time not less than 10 days prior to the date fixed for such sale, and to permit the department to pay out of the proceeds of such bonds the cost of any surety bond or bonds that the department may cause to be deposited in a reserve account or fund to further secure the payment of the principal of, premium, if any, and the interest on the department's dock facilities revenue bonds and refunding bonds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 545 - to the Committee on Banking and Insurance



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Gaines, Moore, Carter, Hinshaw, Haney, Baker, Papucci, Drake, Carns, Thomas (D), Hill, Gipson, Morton, Curry, Black (M), Rogers (M), Lindsey, Guin, Murphree, Jorgensen, Smith, Galliher, Graham, Dukes, Sanderford, Johnson (E), Houston, Hooper, Sanderson, Sims, Hawkins, Knight (A), Gaston, Penry, Mitchell, Boyd, Maull, Millican, Morrison, Allen, Townsend, Clouse, Pringle, Dean, and Wren:

**HB 883.** To authorize the state to pay the tuition of any needy, qualified student pursuing a baccalaureate degree at any public Alabama state college or university; to provide definitions; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 883 - to the Committee on Finance and Taxation Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Boyd (With Notice and Proof):

**HB 991.** Relating to Calhoun County; to provide for an adult day care program to assist in the daily care and other activities of the elderly; to provide for definitions; to provide for licensure of adult care cen-

ters; to provide for inspections; to provide for fees; and to make an appropriation.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 991, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Knight (A) (With Notice and Proof):

**HB 1001.** Relating to Bibb County; to create a motor vehicle license and title division within the office of the judge of probate for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses and titles; and to transfer certain duties now performed by the tax assessor/collector to the judge of probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1001, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 991 and 1001 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ford, Galliher, and Page (With Notice and Proof):

**HB 864.** Relating to Etowah County; to amend Sections 2 and 3, Act 95-284, H. 73, 1995 Regular Session, relating to the collection and distribution of the county sales and use tax effective January 1, 1996, to provide for the administration and collection of the tax by either the Etowah County Commission or a private entity; and to provide for annual distribution of the proceeds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 864, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Galliher (With Notice and Proof):

**HB 942.** Relating to Etowah County; to amend Sections 1, 2, 3, and 4 of Act 96-506, H. 992, 1996 Regular Session (Acts 1996, p. 643), to further provide for the court costs to be imposed on persons incarcerated in the Etowah County jail.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 942, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Smith (With Notice and Proof):

**HB 953.** Relating to Chilton County; further providing for compensation of the board of registrars; amending Section 1 of Act 85-529, H.

768 of the 1985 Regular Session (Acts 1985, p. 638); and specifically repealing Acts 1707 and 1712 of the 1971 Regular Session, (Acts 1971, pp. 2874 and 2878), and Act 712 of the 1965 Regular Session (Acts 1965, p. 1317) and conflicting laws; and providing for a retroactive effective date of October 1, 1996.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 953, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Smith (With Notice and Proof):

**HB 954.** Relating to Chilton County; to amend Section 1 of Act 89-478, H. 811, 1989 Regular Session (Acts 1989, p. 1001); providing for a special recording fee for each document filed for record in the office of the judge of probate and to provide for the distribution of such fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 954, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 864, 942, 953, and 954 - to the Committee on Local Legislation No. 1

### UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business

for today, which was the Bill:

**SB 304.** To amend Section 40-18-25 of the Code of Alabama 1975, relating to estates and trusts, to clarify that the federal grantor trust rules are used to calculate the amount of the net income of a trust for income tax purposes.

On motion of Senator Freeman, further consideration of the Bill, SB 304, was postponed temporarily.

### **FURTHER CONSIDERATION OF SB 57**

The Senate proceeded to further consideration of the Bill:

**SB 57.** Regulating the installing and servicing of alarm systems; the installing and servicing of fire detection, fire alarm, or fire communication systems; and the providing of locksmith services; creating the Alabama Electronic Security Board of Licensure and specifying its composition, powers, and duties; creating a special fund; and providing for the licensure process, fees, violations, enforcement, application, and monetary, civil, and criminal penalties.

as amended by the Amari substitute No. 2, which said substitute is set out in the Journal of the Senate for the Eighteenth Legislative Day, and having been postponed on the Nineteenth Legislative Day.

On motion of Senator Freeman, further consideration of the Bill, SB 57, as amended, was postponed temporarily.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

**SB 427.** Relating to DeKalb County; providing for the expense allowance of the coroner.

Also:

**SB 541.** To amend Sections 34-29-61, 34-29-63 to 34-29-79, inclusive, 34-29-81 to 34-29-92, inclusive, and 34-29-94 of the Code of Alabama 1975, relating to the Alabama Veterinary Practice Act; to rename

the board; to provide for an executive director, duties, and salary; to provide for an Administrative Code of the board; to provide for administrative hearings; to provide for actions to be brought in the Circuit Court of Montgomery County for the unauthorized practice of veterinary medicine; to provide for the issuance of temporary licenses; to provide for the use of unregistered assistants; and to specifically repeal Section 34-29-93 of the Code of Alabama 1975, relating to six months internship of applicants for licensing.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 113.** MOURNING THE DEATH OF MR. OLIVER WASHINGTON, II, OF MOBILE, ALABAMA.

Also:

**SJR 114.** MOURNING THE DEATH OF W. L. "BILL" DARNELL OF MOBILE, ALABAMA.

Also:

**SJR 115.** COMMENDING HENRY TERRY AS AN AMERICAN HERO IN EDUCATION.

PAT LINDSEY,  
Chairperson.

## SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

## RESOLUTIONS

Senator Bedford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 117. COMMENDING MR. EARL MCDONALD OF FAYETTE COUNTY, ALABAMA.**

WHEREAS, on behalf of all Alabama citizens, the Legislature of Alabama expresses sincere gratitude to Mr. Earl McDonald of Fayette, Alabama, for his magnanimous contributions to Bevill State Community College, to the Fayette County community, and to our state; and

WHEREAS, over the years since his relationship with Bevill State began in 1993, Earl McDonald has given generously toward the education of countless young people who might not otherwise have reaped the benefits of a college education; and

WHEREAS, realizing Bevill State's strong commitment to educational excellence and student success, and that these students represent the future of our state and nation, Mr. McDonald, motivated by his desire to give others a helping hand, became a faithful supporter of the college, announcing a donation of \$250,000 to the college's scholarship foundation in 1993; an additional \$1 million to the foundation in 1995; a donation of \$225,000 to assist in the implementation of a distance learning center on each of the college's three main campuses in 1996; and an additional \$1 million bequest to the college scholarship foundation in 1997—contributions totaling almost \$2.5 million over three-and-one-half years, with more than \$2.25 million of these contributions funding scholarship opportunities for students in the Bevill State service area; and

WHEREAS, from meager beginnings as a child of the Depression, Earl McDonald worked his way through college to become owner and chief executive officer of telephone and television companies in Mississippi, Tennessee, Georgia, and Alabama; he also owned an accounting firm serving eight telephone companies in four states; he sold his properties in 1986 and

retired after 49 years in business; and

WHEREAS, in other acts of benevolence, generous donations have been made to a number of churches in Tennessee, Mississippi, and Alabama; and to the Fayette Civic Center, Fayette County Memorial Library, and Fayette County Hospital, among others; indeed his charitable contributions have totaled over \$11 million, with \$4 million going to the benefit of Fayette County citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and appreciation for his generous contributions to Bevill State Community College and to Alabama's youth, we hereby most highly commend Mr. Earl McDonald, whom we hold in warmest personal regard, and for whom a copy of this resolution shall be provided.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little and Butler requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

**SR 118. EXPRESSING REGRET FOR THE AUBURN UNIVERSITY BOARD OF TRUSTEES CONTROVERSY AND URGING THE STATE SUPREME COURT TO EXPEDITE THE HEARING OF APPEALS ON THE AUBURN UNIVERSITY BOARD OF TRUSTEES MEMBERSHIP ISSUES.**

WHEREAS, since the 3rd day of June 1996, a dispute has existed over who is entitled to occupy two of the twelve positions on the Board of Trustees of Auburn University that, under Amendment 161 of the Constitution of Alabama of 1901, holds and exercises responsibility for the management and control of the University, a public institution of higher learning of the State of Alabama; and,

WHEREAS, since the 4th day of June 1996, the legal issues presented by the aforesaid dispute have been in litigation before the Circuit Courts of Montgomery County and Lee County, and the Supreme Court of Alabama; and,

WHEREAS, the Circuit Court of Lee County rendered a judgment on the 30th day of January 1997, holding that the people then occupying the two disputed positions on the board were serving unlawfully; and,

WHEREAS, the existence of the aforesaid dispute, and the pen-



dency of the litigation relating thereto, has greatly distracted and diverted the attention of the board of trustees and others who are involved in and devoted to the management and operation of the university; and,

WHEREAS, the Senate is vitally interested in providing every assurance to Auburn University, its faculty, its administration, its staff, and its students, and to the people of Alabama, that the institution has and receives all the benefits and appurtenances of governance by a board of trustees that is duly constituted and is discharging its duties in accordance with the mandates of the Constitution and laws of Alabama, free of external pressures and influences; and,

WHEREAS, prompt and expeditious disposition of any appeal to the Supreme Court would eliminate the diversions and distractions inherent in these circumstances, and the continuing detriment to the institution and all those associated with it, and thereby would serve and promote the best interest of Auburn University and of all the people of Alabama; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we deeply regret the controversy surrounding the Auburn University Board of Trustees, and we hereby respectfully urge the Supreme Court of Alabama to act expeditiously in considering and deciding, at the earliest practicable time, any appeal that may be taken in respect to the disputed membership, in order to enable the university, its administration, its trustees, and its faculty, staff, and students to further devote their time and energies to the pursuit of the laudable ends of higher education, to the benefit and advantage of the State of Alabama and all of its people.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each State Supreme Court Justice.

On motion of Senator Little, the Resolution was adopted by the Senate.

Senators Butler, Denton, Roberts, Freeman, Mitchem, Hale, Dial, Barron, Bedford, Adams, Amari, Armistead, Bailey, Biddle, Clay, Davidson, Dixon, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 119. EXPRESSING OPPOSITION TO TVA PROPOSAL**

**TO ELIMINATE FUNDING FOR NONPOWER PROGRAMS.**

WHEREAS, 13 counties and 180 cities and towns across North Alabama are greatly concerned about the future of the Tennessee Valley Authority (TVA) and the effect proposed changes will have on the communities of the region; and

WHEREAS, the region's economy and environment were transformed with the creation of TVA, which gave birth to a New South in the 20th Century; and

WHEREAS, TVA has proposed a major change to its 1933 charter that provides for the elimination of funding, after fiscal year 1998, for the nonpower programs; and

WHEREAS, TVA's appropriated, nonpower programs are vital to the region's interest; these programs, which comprise only two percent of TVA's budget, are part of TVA's mission and provide a unique contribution to the valley's growth, including a significant number of jobs, industry development, environmental protection, transportation enhancement, and river stewardship; and

WHEREAS, we recognize our responsibility to defend and protect TVA's mission to the valley for present and future generations; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby express our strong opposition to the proposal by the Tennessee Valley Authority to eliminate funding for appropriated, nonpower programs. This elimination could be devastating to the North Alabama region, and we believe that programs can best be carried out by TVA as it is presently administered.

**BE IT FURTHER RESOLVED,** That we do strongly request, before any action is taken, that this body be given the opportunity for input at every stage of the budget process prior to the final decision.

On motion of Senator Butler, the Rules were suspended and the Resolution was adopted by the Senate.

**INTRODUCTION OF BILLS**

Senator Amari requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senators Amari, Dixon, Hill, Adams, Armistead, Smith, Lipscomb, Waggoner, and Davidson:

**SB 691.** To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-five million dollars (\$175,000,000) aggregate principal amount of additional bonds to purchase items of tangible or intangible personal property determined to be necessary to implement the Alabama Technology and Portable Classroom Elimination Act for K-12 Education; to purchase information technology components for K-12 education, the Alabama School of Fine Arts, the Alabama School of Mathematics and Science, and the Alabama Institute for Deaf and Blind; to provide funds to upgrade the career/technical programs for grades 7-12; to provide funds for training facilities and resources for teacher professional development; to purchase capital improvements for K-12 education and to eliminate portable classrooms; to provide for the reallocation of any unexpended funds after a specified period of time; to authorize the Authority to reimburse the Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal of and interest on said bonds at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and to pay the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; to provide that the Authority shall have no responsibility for the security, operation, or liabilities of any system funded from proceeds of the Bonds, that this Act shall not be construed to modify any laws relating to the use or dissemination of data over such system and that the Authority shall have no

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proprietary or property interest therein; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Committee on Finance  
and Taxation Education

Senator Butler requested and received unanimous consent to suspend the Rules in order to introduce the following bills, and they were severally read one time, and referred to appropriate standing committees as follows:

By Senator Bedford:

**SB 692.** To provide that sport shooting ranges operating for more than one year and complying with existing law may not be deemed nuisances as a result of changed circumstances; and to limit rights of action against ranges under certain circumstances.

Committee on Conservation, Environment,  
and Natural Resources

By Senator Butler (With Notice and Proof):

**SB 693.** Relating to Limestone County; to further provide for the expense allowance of the coroner; and to authorize the coroner to employ an assistant coroner and up to two deputy coroners whose salaries shall be set by the county commission.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 693, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

Senator Little requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Little:

**SB 694.** To amend Sections 11-98-1 and 11-98-5 of the Code of

Alabama 1975, relating to the establishment of communication districts for the delivery of enhanced emergency telephone service (E-911), to provide that the definition of a service supplier shall include a provider of wireless telephone service and for the assessment of the service charge on wireless telephone service; and to further provide for the administrative fee of a service supplier.

Committee on Commerce,  
Transportation, and Utilities

Senator Langford requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Langford:

**SB 695.** To amend Section 36-1-7, Code of Alabama 1975, as amended by Act 96-645, 1996 Regular Session, to provide further for monetary awards given pursuant to the State Employee Suggestion Award Program.

Committee on Tourism  
and Marketing

Senator Smitherman requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Smitherman:

**SB 696.** To authorize the state to pay the tuition of any needy, qualified student pursuing a baccalaureate degree at any Alabama state college or university; to provide definitions; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

Committee on Finance  
and Taxation Education

Senator Lipscomb requested and received unanimous consent to suspend the Rules in order to introduce the following bills, and they were severally read one time, and referred to appropriate standing committee as follows:

By Senator Lipscomb (With Notice and Proof):

**SB 697.** Relating to Baldwin County; providing for additional

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court costs to be imposed on each person incarcerated in the Baldwin County jail; and providing for distribution of the revenues to be derived from the additional court costs.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 697, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Lipscomb (With Notice and Proof):

**SB 698.** Relating to Baldwin County; authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 698, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Lipscomb (With Notice and Proof):

**SB 699.** Relating to Baldwin County; amending Sections 2 and 3 of Act No. 85-684, H. 1056, (Acts 1985, p. 1097), relating to court charges and the Baldwin County Law Library and Judicial Administration Fund, to make the \$1.50 court costs applicable in civil and quasi civil actions, equity, criminal, quasi criminal, proceedings on forfeited bail or forfeited bond in the circuit court of Baldwin County under certain conditions applicable in the Juvenile Court and in civil actions filed in the District Court of Baldwin County; and providing that this act shall be construed together with other laws relating to court costs in Baldwin County, and ratifying collections retroactively to January 1, 1977.

Committee on Local  
Legislation No. 1

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I hereby certify that the notice and proof is attached to the Bill, SB 699, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Lipscomb (With Notice and Proof):

**SB 700.** Relating to Baldwin County; to allow the Baldwin County Commission to appropriate funds for lunches for state and county inmates who are performing labor in the county; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 700, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Lipscomb (With Notice and Proof):

**SB 701.** Relating to Baldwin County; to ratify the election of the current county commission; to provide for the creation of a study committee to study the form, structure, and authority of county government in the county; and to provide for an advisory referendum on the final proposal of the committee.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 701, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

Senator Biddle requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Biddle:

**SB 702.** To provide for distinctive motor vehicle license plates

for supporters of the Department of Conservation and Natural Resources; to allow the purchasers of the distinctive tag to choose a distinctive tag with an animal design on it; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

Committee on Economic  
Expansion and Trade

Senator Steele requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Steele:

**SB 703.** To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the University of Alabama, in the amount of one hundred thousand dollars (\$100,000) for the fiscal year ending September 30, 1997.

Committee on Finance  
and Taxation Education

Senator Roberts requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Roberts:

**SB 704.** To further provide for preference given to Alabama persons, firms, or corporations in the awarding of public contracts subject to the State Competitive Bid Law and to amend Section 41-16-27, Code of Alabama 1975.

Committee on Industrial Development  
and Recruitment

Senator McClain requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator McClain (With Notice and Proof):

**SB 705.** Relating to Jefferson County; to provide for the salaries of members of the Jefferson County Commission, tax assessor, tax



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collector, treasurer, assistant tax assessor, assistant tax collector, and deputy treasurer.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 705, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

Senator Barron requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Barron (With Notice and Proof):

**SB 706.** To alter and rearrange the boundaries of the City of Rainsville, DeKalb County, Alabama, so as to annex and include within the corporate limits thereof the territory hereinafter described.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 706, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

Senator Poole requested and received unanimous consent to suspend the Rules in order to introduce the following bills, and they were severally read one time, and referred to appropriate standing committee as follows:

By Senator Poole (With Notice and Proof):

**SB 707.** Relating to Tuscaloosa County, Alabama: to amend and reenact Act 86-656, 1986 First Special Session (Acts 1986, p. 39), as amended, establishing a fire district, pursuant to Amendment No. 358 to the Constitution of Alabama of 1901, for the purpose of preventing fires or for fire protection and certain other public service in Tuscaloosa County; providing for the manner such district may be created for any area; providing for the petition for any proposed district and the election thereon; pro-

viding that the expense of the conducting such election shall be paid by the county except that if the district is created the district shall reimburse the county; providing that after a district has been established the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district; providing that no district shall be created unless the creation thereof has been approved by the majority of votes cast at an election; providing that if the creation of the proposed district is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; providing for the enlargement and contraction of the district; providing for the management and operation of each district; providing for the election of a fire district board, except the initial board made up of the existing board of the directors of each volunteer fire department, each being a public corporation; providing for the terms of office of the members of the board; providing for the officers compensation, expense allowance and duties of the members of the board; defining the rights, power, and authority of the district; authorizing any such district to pledge all or any parts of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; authorizing any such district to levy and collect service charges or fees subject to certain limitations; providing that such services charges or fees shall not be levied unless the same is first approved by a majority of the votes cast by the qualified electors residing within the district; providing for the dissolution of any such district; providing that the provisions of this act are severable; repealing all laws, or parts of laws, in the conflict with the act; and providing for the effective date of the act.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 707, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Poole:

**SB 708.** To amend Section 9-11-91.1, Code of Alabama 1975, relating to unauthorized fishing from a fish farm without the consent of the owner, to make fishing from certain public roads or public rights-of-way located within a certain distance of a commercial fish pond unlawful; and to provide for penalties.

Committee on Economic  
Expansion and Trade

Senator Hill requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Hill:

**SB 709.** To make a supplemental appropriation from the State Board of Veterinary Medical Examiners Fund to the Alabama State Board of Veterinary Medical Examiners, in the amount of \$50,000 for the fiscal year ending September 30, 1997.

Committee on Economic  
Expansion and Trade

Senator Smitherman requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senators Smitherman and Escott-Russell:

**SB 710.** To amend Sections 38-9-2, 38-9-7, and 38-9-8, Code of Alabama 1975, the Adult Protective Services Act, to provide definitions; to provide that a person who resides in a nursing home, mental institution, developmental center for the mentally retarded, or other convalescent care facility is presumed to be a protected person; and to provide that the Alabama Department of Public Health shall conduct investigations upon receipt of a report that any adult residing in a nursing home has been subjected to physical abuse or neglect or misappropriation of his or her property by an employee of a nursing home licensed by the Alabama Department of Public Health.

Committee on Governmental Affairs

Senator Biddle requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Biddle:

**SB 711.** Relating to the Elected Assistant District Attorney's Office, Tenth Judicial Circuit, Jefferson County, Bessemer Division; to provide for the compensation of deputy district attorneys; and to amend the following acts: Act 245, 1975 Regular Session (Acts 1975, p. 773); Act 87-721, 1987 Regular Session (Acts 1987, p. 1411); Act 90-202, 1990 Regular Session (Acts 1990, p. 237); and Act 93-648, 1993 Regular Ses-

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sion (Acts 1993, p. 1119); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit, Bessemer Division.

Committee on Governmental Affairs

Senator Smitherman requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senators Smitherman and Escott-Russell:

**SB 712.** To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the University of Alabama-Birmingham for the Sickie Cell Program, in the amount of \$134,000 for the fiscal year ending September 30, 1997.

Committee on Finance  
and Taxation Education

Senator Smitherman requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Smitherman:

**SB 713.** To establish the Environmental Equity and Justice Commission to review and eliminate the disproportionate concentration of environmental hazards; to provide for public hearings and the administration of the commission; and to make an appropriation.

Committee on Conservation, Environment,  
and Natural Resources

Senator Biddle requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Biddle (With Notice and Proof):

**SB 714.** Relating to the Elected Assistant District Attorney's Office, Tenth Judicial Circuit, Jefferson County, Bessemer Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: No. 245, H. 845, 1975 Regular Session (Acts 1975, p. 773); Act No. 87-721, H. 896, 1987 Regular Session (Acts 1987, p. 1411); Act No. 90-202, H. 449, 1990 Regular Session

(Acts 1990, p. 237); and Act No. 93-648, S. 382, 1993 Regular Session (Acts 1993, p. 1119); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit, Bessemer Division.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 714, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

#### **SR 120. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following order of business shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty-Fourth Legislative Day only.

1. Committee on Economic Expansion and Trade Report

2. The following Senators shall be recognized in the order listed to present a bill or bills from the Calendar for passage, unless objected to by four or more Senators. If debate exceeds a reasonable time, as determined by the chair, the bill shall be returned to the Calendar and the next name shall be called.

Langford - District 26  
Hill - District 11  
Freeman - District 7  
Mitchell - District 30  
Denton - District 1  
Little - District 27  
Biddle - District 17  
Roberts - District 3  
Lindsey - District 22  
Escott-Russell - District 20  
Wagoner - District 16  
Adams - District 31

Barron - District 8  
Smitherman - District 18  
Sanders - District 23  
Dixon - District 25  
Bailey - District 29  
McClain - District 19  
Butler - District 2  
Amari - District 15  
Ghee - District 12  
Windom - District 35  
Myers - District 34  
Figures - District 33  
Hale - District 4  
Mitchem - District 30  
Smith - District 10  
Davidson - District 5  
Steele - District 24  
Dial - District 13  
Lipscomb - District 32  
Poole - District 21  
Bedford - District 6  
Armistead - District 14  
Clay - District 28

On motion of Senator Lindsey, the Resolution was unanimously adopted by the Senate.

### **SPECIAL ORDER REPORTS OF COMMITTEES**

The Senate proceeded to the special, paramount and continuing order of business for today, the first of which was the Report from the Standing Committee on Economic Expansion and Trade, to-wit:

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Fuller and Curry (With Substitute):

**HB 98.** To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1998.

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Curry and Fuller:

**HB 121.** To make an appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Rep. Curry:

**HB 926.** To make an appropriation from the State General Fund in the State Treasury to the Autism Society of Alabama, in the amount of \$50,000 for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

By Reps. Curry and Fuller:

**HB 120.** To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Fuller and Curry:

**HB 117.** To make an appropriation of \$192,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Rep. Fuller:

**HB 7.** To make an appropriation from the State General Fund in the amount of \$2,550,000 to the full member Children's Advocacy Centers for the fiscal year ending September 30, 1998, and to require operations plans and audited financial statements prior to release of any funds.

By Reps. Curry and Fuller:

**HB 118.** To make an appropriation of \$759,674 from the State

General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Curry and Fuller:

**HB 115.** To make an appropriation of \$93,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Curry and Fuller:

**HB 116.** To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Curry and Fuller:

**HB 114.** To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Curry and Fuller:

**HB 138.** To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Fuller and Curry:

**HB 215.** To make an appropriation of \$100,000 from the State General Fund to the Montgomery Minority Business Development Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Curry and Fuller:

**HB 137.** To make an appropriation of \$60,000 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.



By Reps. Curry and Fuller:

**HB 136.** To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

By Reps. Curry and Fuller:

**HB 135.** To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Fuller and Curry:

**HB 134.** To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Fuller and Hooper:

**HB 424.** To make an appropriation of \$75,000 from the State General Fund to the Alabama Sports Festival, for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Curry and Fuller:

**HB 97.** To make an appropriation of \$100,000 from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Fuller and Curry:

**HB 96.** To make an appropriation of \$62,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Fuller and Curry:

**HB 133.** To make an appropriation of \$69,933 from the State

General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Kennedy and Curry:

**HB 112.** To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Reps. Kennedy and Curry:

**HB 113.** To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

By Rep. Fuller:

**HB 99.** To provide for a salary increase for certain state employees for the fiscal year beginning October 1, 1997 and would create a Joint Legislative Committee to Study Employee Compensation.

By Senator Barron:

**SB 429.** To make a supplemental appropriation from the General Fund in the State Treasury to the Alabama Department of Economic and Community Affairs, in the amount of one million dollars (\$1,000,000) for the fiscal year ending September 30, 1997.

By Senators Clay, Freeman, and Dial:

**SB 449.** To make a supplemental appropriation from the General Fund in the State Treasury to the Military Department, in the amount of \$560,000 for the fiscal year ending September 30, 1997.

## RECESS

At 11:30 A.M., on motion of Senator Hale, the Senate took a recess until 11:40 A.M.

The recess having expired, at 11:40 A.M., the Senate was called to order by President Pro Tempore Freeman. A quorum of the Senate was present.

**BUDGET ISOLATION RESOLUTION**

Senator Hill requested and received permission to suspend the Rules in order to bring up the Bill, SB 7, under the provisions of the Resolution, SR 120.

Senator Hill, B.I.R., SB 7, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Butler, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -24

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 7.** To reopen the Teachers' Retirement System of Alabama to allow certain employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the Employees' Retirement System.

was taken up.

The Standing Committee on Fiscal Responsibility and Accountability reported the following amendment to the Bill, SB 7, to-wit:

**AMENDMENT TO SB 7**

Amend SB 7 on page 2, line 3 after the word "participation" by adding the following language:

"in the Employees' Retirement System"

Further amend on page 2, line 16 by deleting the word "Teachers' " and inserting in lieu thereof the word "Employees' "

Further amend on page 2 by deleting lines 21 through 24 in their entirety and inserting in lieu thereof the following:

"earnable compensation or average final compensation, whichever

is greater; the applicable percentage of his or her current earnable compensation or average final compensation, whichever is greater,”

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Butler, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -24

Nays:

- 0

And said Bill, SB 7, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Butler, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -24

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Barron requested and received permission to suspend the Rules in order to bring up the Bill, SB 515, under the provisions of the Resolution, SR 120.

Senator Barron, B.I.R., SB 515, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Butler, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -24

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 515.** To amend Section 16-13-140, Code of Alabama 1975, relating to budgeting for local boards of education; to require public hearings on proposed annual budgets.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, SB 515, to-wit:

**AMENDMENT TO SB 515**

Amend SB 515 on Page 2, Line 11, by inserting after the word "education" the following new language:

"by August 1 of the first year of each legislative quadrennium and by July 1 of each subsequent year of each legislative quadrennium"

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Butler, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom

-24

Nays:

- 0

And said Bill, SB 515, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Butler, Denton, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom

-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman requested and received permission to suspend the Rules in order to bring up the Bill, SB 611, under the provisions of the Resolution, SR 120.

Senator Freeman, B.I.R., SB 611, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Butler, Denton, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 611.** Proposing an amendment to the Constitution of Alabama of 1901; authorizing the appropriation of revenues from the cellular radio telecommunications service tax for the payment of principal and interest on the outstanding bonds of the Alabama Revolving Loan Fund Authority or its successor authority.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Butler, Denton, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Mitchell requested and received permission to suspend the

Rules in order to bring up the Bill, SB 574, under the provisions of the Resolution, SR 120.

Senator Mitchell, B.I.R., SB 574, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Butler, Denton, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 574.** Requiring legislative review and oversight of actions of the Ozone Transport Assessment Group initiated by the United States Environmental Protection Agency; requiring public hearings and legislative review of any proposed state actions related to the atmospheric transport of ozone, including draft and final state implementation plans to be submitted to the U. S. Environmental Protection Agency; and requiring prior legislative approval of and prohibiting the submission of state implementation plans under certain circumstances.

was taken up.

Senator Mitchell offered the following amendment to the Bill, SB 574, to-wit:

### AMENDMENT TO SB 574

On page 6, lines 1 to 15, inclusive, delete subsection (c) in its entirety and insert in lieu thereof the following:

“(c) After completing the hearings required by Sections 3(b) and 4(b), the Senate and House Commerce, Transportation, and Utilities Committees will make a recommendation to the Joint Committee on Administrative Review regarding the action it should take while performing its review of the revision to the plan.”

Which was adopted.

Yeas 25 Nays 0

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Yeas:

Senators:

Armistead, Bailey, Barron, Biddle, Butler, Denton, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -25

Nays:

- 0

And said Bill, SB 574, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Davidson, Denton, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Denton requested and received permission to suspend the Rules in order to bring up the Bill, SB 118, under the provisions of the Resolution, SR 120.

Senator Denton, B.I.R., SB 118, offered.

On motion of Senator Denton, further consideration of the Bill, SB 118, was postponed temporarily.

Senator Denton requested and received permission to suspend the Rules in order to bring up the Bill, SB 402, under the provisions of the Resolution, SR 120.

Senator Denton, B.I.R., SB 402, adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Davidson, Den-



ton, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**SB 402.** To provide for a deduction under the State of Alabama income tax in certain amounts for qualifying volunteer fire, rescue, or emergency medical service members and to provide penalties for certain violations.

was taken up.

The Standing Committee on Small Business and Rural Development reported the following amendment to the Bill, SB 402, to-wit:

**AMENDMENT TO SB 402**

Amend SB 402 on Page 2, line 25, by deleting the language "a county or municipal corporation of the state" and inserting in lieu thereof the following:

"the Alabama Association of Volunteer Fire Departments"

Further amend SB 402 on Page 3, lines 3 and 4, by deleting the language "a county or municipal corporation that does" and inserting in lieu thereof the following:

"the Alabama Association of Volunteer Fire Departments that do"

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays: - 0

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And said Bill, SB 402, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Little requested and received permission to suspend the Rules in order to bring up the Bill, SB 498, under the provisions of the Resolution, SR 120.

Senator Little, B.I.R., SB 498, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 498.** To provide for an additional circuit judgeship in the 37th Judicial Circuit; to provide for a Family Court Division of the circuit court; and to designate the additional judgeship as the presiding judge in the Family Court Division.

was taken up.

Senator Little offered the following amendment to the Bill, SB 498, to-wit:

**AMENDMENT TO SB 498**

Amend SB 498 on page 4 by deleting lines 12 through 14 in their entirety and inserting the following in lieu thereof:

“Alabama 1975, as amended”

Further amend on page 4, line 8 by inserting a comma after the word “jurisdiction” and inserting the following:

“including non-support cases arising in the circuit under Title 30, Chapters 3 and 4, Code of Alabama 1975, as amended”.

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-27

Nays:

- 0

And said Bill, SB 498, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-27

Nays:

- 0

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 7.** To reopen the Teachers' Retirement System of Alabama

to allow certain employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the Employees' Retirement System.

PAT LINDSEY,  
Chairperson.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 515.** To amend Section 16-13-140, Code of Alabama 1975, relating to budgeting for local boards of education; to require public hearings on proposed annual budgets.

PAT LINDSEY,  
Chairperson.

### BUDGET ISOLATION RESOLUTION

Senator Biddle requested and received permission to suspend the Rules in order to bring up the Bill, SB 59, under the provisions of the Resolution, SR 120.

Senator Biddle, B.I.R., SB 59, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Butler, Davidson, Denton, Dixon, Es-  
cott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain,  
Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman,  
Steele, Waggoner, and Windom -27

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 59.** To amend Section 40-9-27, Code of Alabama 1975,

relating to certain sales tax exemptions, to provide that eyeglasses and certain other ophthalmic devices are exempt from sales taxes.

was taken up.

Senator Biddle offered the following substitute for the Bill, SB 59, to-wit:

**SUBSTITUTE FOR SB 59**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 40-23-1, Code of Alabama 1975, as amended by Act 96-887, and Sections 40-23-4 and 40-23-62, Code of Alabama 1975, as amended by Act 96-544, to exempt ophthalmic materials from state sales and use taxes.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 40-23-1, Code of Alabama 1975, as amended by Act 96-887, and Sections 40-23-4 and 40-23-62, Code of Alabama 1975, as amended by Act 96-544, are amended to read as follows:

“§40-23-1.

“(a) For the purpose of this division, the following terms shall have the respective meanings ascribed by this section:

“(1) PERSON or COMPANY. Used interchangeably, includes any individual, firm, copartnership, association, corporation, receiver, trustee, or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

“(2) DEPARTMENT. The Department of Revenue of the State of Alabama.

“(3) COMMISSIONER. The Commissioner of Revenue of the State of Alabama.

“(4) TAX YEAR or TAXABLE YEAR. The calendar year.

“(5) SALE or SALES. Installment and credit sales and the exchange

of properties as well as the sale thereof for money, every closed transaction constituting a sale. Provided, however, a transaction shall not be closed or a sale completed until the time and place when and where title is transferred by the seller or seller's agent to the purchaser or purchaser's agent, and for the purpose of determining transfer of title, a common carrier or the U. S. Postal Service shall be deemed to be the agent of the seller, regardless of any F.O.B. point and regardless of who selects the method of transportation, and regardless of by whom or the method by which freight, postage, or other transportation charge is paid. Provided further that, where billed as a separate item to and paid by the purchaser, the freight, postage, or other transportation charge paid to a common carrier or the U.S. Postal Service is not a part of the selling price.

“(6) GROSS PROCEEDS OF SALES. The value proceeding or accruing from the sale of tangible personal property, and including the proceeds from the sale of any property handled on consignment by the taxpayer, including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, any consumer excise taxes that may be included within the sales price of the property sold, or any other expenses whatsoever, and without any deductions on account of losses; provided, that cash discounts allowed and taken on sales shall not be included, and “gross proceeds of sales” shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. The term “gross proceeds of sale” shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with a business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from business or stock and so used or consumed with respect to which property the tax has been paid because of previous withdrawal, use, or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same. In the case of the retail sale of equipment, accessories, fixtures, and other similar tangible personal property used in connection with the sale of commercial mobile services as defined herein, or in connection with satellite television services, at a price below cost, “gross proceeds of sale” shall only include the stated sales price thereof and shall not include any sales commission or rebate received by the seller as a result of the sale. As used herein, the term “commercial mobile services” shall have the same

meaning as that term has in 47 U.S.C. Sections 153(n) and 332(d), as in effect from time to time.

“(7) TAXPAYER. Any person liable for taxes hereunder.

“(8) GROSS RECEIPTS. The value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in, not including, however, interest, discounts, rentals of real estate or royalties, and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, any consumer excise taxes that may be included in the sales price of the property sold, or any other expenses whatsoever and without any deductions on account of losses. The term “gross receipts” shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with a business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from business or stock and so used or consumed and with respect to which property the tax has been paid because of previous withdrawal, use, or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same.

“(9) WHOLESALE SALE or SALE AT WHOLESALE. Any one of the following:

“a. A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale.

“b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which the manufacturer or compounder manufactures or compounds for sale, whether or not any tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it becomes a component of the finished product; provided, however, that it is the intent of this section that no capital equipment, machinery, tools, or product, except for those materials essential for the reaction process and in

direct contact with the intermediate and finished product used for the production of the finished product shall be exempt and the furnished container and label thereof.

“c. A sale of containers intended for one-time use only, and the labels thereof, when containers are sold without contents to persons who sell or furnish containers along with the contents placed therein for sale by persons.

“d. A sale of pallets intended for one-time use only when pallets are sold without contents to persons who sell or furnish pallets along with the contents placed thereon for sale by persons.

“e. A sale to a manufacturer or compounder, of crowns, caps, and tops intended for one-time use employed and used upon the containers in which a manufacturer or compounder markets his products.

“f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where containers are used for the delivery of chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of eggs even though containers used for delivery of baby chicks or eggs may be recovered for reuse.

“g. A sale of bagging and ties used in preparing cotton for market.

“h. A sale to meat packers, manufacturers, compounders, or processors of meat products of all casings used in molding or forming wieners and Vienna sausages even though casings may be recovered for reuse.

“i. A sale of commercial fish feed including concentrates, supplements, and other feed ingredients when substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis.

“j. A sale of tangible personal property to any person engaging in the business of leasing or renting tangible personal property to others, if tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in Article 4 of Chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others.

“k. A purchase or withdrawal of parts or materials from stock by any person licensed under this division where parts or materials are used in repairing or reconditioning the tangible personal property of a licensed per-



son, which tangible personal property is a part of the stock of goods of a licensed person, offered for sale by him, and not for use or consumption of a licensed person.

“(10) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures, or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building, or equipping a modular building ultimately becoming a part of real estate situated in the State of Alabama are retail sales, and the use, sale, or resale of building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators, or compounders, which are used or consumed by them in manufacturing, mining, quarrying, or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term “sale at retail” or “retail sale” shall also mean and include the withdrawal, use, or consumption of any tangible personal property by any one who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property tax has been paid because of previous withdrawal, use, or consumption, except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same; and wholesale purchaser shall report and pay the taxes thereon. In the case of the sale of equipment, accessories, fixtures, and other similar tangible personal property used in connection with the sale of commercial mobile services as defined in subdivision (6) above, or in connection with satellite television services, at a price below cost, the term “sale at retail” and “retail sale” shall include those sales, and those sales shall not also be taxable as a withdrawal, use, or consumption of such tangible personal property.

“(11) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit, or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

“(12) AUTOMOTIVE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

“(b) The use within this state of tangible personal property by the manufacturer thereof, as building materials in the performance of a construction contract, shall, for the purposes of this division, be considered as a retail sale thereof by manufacturer, who shall also be construed as the ultimate consumer of materials or property, and who shall be required to report transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed or permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the asphalt plant mix. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this division.

“(c) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama, has registered with the Department of Revenue, and has received therefrom a certificate of registration or, if a nonresident of this state purchasing lumber for resale outside the State of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address, and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the Department of Revenue on or before January 31 of each succeeding year; provided, that if not renewed the certificate shall become invalid for the purpose of this division on February 1.

~~“(d) The dispensing or transferring of ophthalmic materials, including lenses, frames, eyeglasses, contact lenses, and other therapeutic optic devices, to a patient by a licensed ophthalmologist, as a part of his or her professional service, shall not, for purposes of this division, be deemed or considered to constitute a sale, subject to the state sales tax. The licensed ophthalmologist shall be considered the ultimate consumer of the ophthalmic materials and shall have no responsibility or duty pursuant to this division for the collection of the state sales tax. The sale of the ophthalmic materials to a licensed ophthalmologist by a supplier thereof shall~~

~~be considered a retail sale subject to the state sales tax, and the supplier shall be responsible for collecting sales tax from the licensed ophthalmologist. In no event shall the providing of professional services in connection with the dispensing or transferring of ophthalmic materials by a licensed ophthalmologist or optometrist be considered a sale subject to the state sales tax. All transfers of ophthalmic materials by opticians or optometrists shall be considered retail sales subject to the state sales tax. The term supplier shall include but not be limited to optical laboratories, ophthalmic material wholesalers, or anyone selling ophthalmic materials to ophthalmologists.~~

“(e) (d) Notwithstanding the above, the withdrawal, use, or consumption of a manufactured product by the manufacturer thereof in quality control testing performed by employees or independent contractors of the taxpayer, for purposes of this division, shall not be deemed or considered to constitute a transaction subject to sales tax, nor shall a gift by the manufacturer of a manufactured product, withdrawn from the manufacturer’s inventory, to an entity listed in 26 U.S.C. Sections 170(b) or (c), be considered a transaction subject to sales tax.

“§40-23-4.

“(a) There are exempted from the provisions of this division and from the computation of the amount of the tax levied, assessed, or payable under this division the following:

“(1) The gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170 and the gross proceeds from those sales of lubricating oil destined for out-of-state use which are transacted in a manner whereby an out-of-state purchaser takes delivery of such oil at a distributor’s plant within this state and transports it out-of-state, which are otherwise taxed.

“(2) The gross proceeds of the sale, or sales, of fertilizer when used for agricultural purposes. The word “fertilizer” shall not be construed to include cottonseed meal, when not in combination with other materials.

“(3) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed, or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock, or floral products.

“(4) The gross proceeds of sales of insecticides and fungicides when used for agricultural purposes or when used by persons properly permitted

by the Department of Agriculture and Industries or any applicable local or state governmental authority for structural pest control work and feed for livestock and poultry, but not including prepared food for dogs and cats.

“(5) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm, dairy, grove, or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed, or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

“(6) Cottonseed meal exchanged for cottonseed at or by cotton gins.

“(7) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of Sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this division.

“(8) The gross proceeds of sales or gross receipts of or by any person, firm, or corporation, from the sale of transportation, gas, water, or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the Public Service Commission of Alabama or like regulatory bodies.

“(9) The gross proceeds of the sale, or sales of wood residue, coal, or coke to manufacturers, electric power companies, and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

“(10) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships, vessels, towing vessels, or barges, or

drilling ships, rigs or barges, or seismic or geophysical vessels, or other watercraft (herein for purposes of this exemption being referred to as "vessels") engaged in foreign or international commerce or in interstate commerce; provided, that nothing in this division shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships, other watercraft, and commercial fishing vessels of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources.

"For purposes of this subdivision, it shall be presumed that vessels engaged in the transportation of cargo between ports in the State of Alabama and ports in foreign countries or possessions or territories of the United States or between ports in the State of Alabama and ports in other states are engaged in foreign or international commerce or interstate commerce, as the case may be. For the purposes of this subdivision, the engaging in foreign or international commerce or interstate commerce shall not require that the vessel involved deliver cargo to or receive cargo from a port in the State of Alabama. For purposes of this subdivision, vessels carrying passengers for hire, and no cargo, between ports in the State of Alabama and ports in foreign countries or possessions or territories of the United States or between ports in the State of Alabama and ports in other states shall be engaged in foreign or international commerce or interstate commerce, as the case may be, if, and only if, both of the following conditions are met: (i) the vessel in question is a vessel of at least 100 gross tons; and (ii) the vessel in question has an unexpired certificate of inspection issued by the United States Coast Guard or by the proper authority of a foreign country for a foreign vessel, which certificate is recognized as acceptable under the laws of the United States. Vessels which are engaged in foreign or international commerce or interstate commerce shall be deemed for the purposes of this subdivision to remain in such commerce while awaiting or under repair in a port of the State of Alabama if such vessel returns after such repairs are completed to engaging in foreign or international commerce or interstate commerce. For purposes of this subdivision, seismic or geophysical vessels which are engaged either in seismic or geophysical tests or evaluations exclusively in offshore federal waters or in traveling to or from conducting such tests or evaluations shall be deemed to be engaged in international or foreign commerce. For purposes of this subdivision, proof that fuel and supplies purchased are for use or consumption aboard vessels engaged in foreign or international commerce or in interstate commerce may be accomplished by the merchant or seller securing the duly signed certificate of the vessel owner, operator, or captain or their respective agent on a form prescribed by the department that the fuel and supplies purchased are for use or consumption aboard vessels engaged in foreign or international com-

merce or in interstate commerce. Any person filing a false certificate shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$500 for each offense. Each false certificate filed shall constitute a separate offense. Any person filing a false certificate shall be liable to the department for all taxes imposed by this division upon the merchant or seller, together with any interest or penalties thereon, by reason of the sale or sales of fuel and supplies applicable to such false certificate. If a merchant or seller of fuel and supplies secures the certificate herein mentioned, properly completed, such merchant or seller shall not be liable for the taxes imposed by this division, if such merchant or seller had no knowledge that such certificate was false when it was filed with such merchant or seller.

“(11) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the state and to incorporated municipalities of the State of Alabama.

“(12) The gross proceeds of the sale or sales of railroad cars, vessels, barges, and commercial fishing vessels of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources, when sold by the manufacturers or builders thereof.

“(13) The gross proceeds of the sale or sales of materials, equipment, and machinery which, at any time, enter into and become a component part of ships, vessels, towing vessels or barges, or drilling ships, rigs or barges, or seismic or geophysical vessels, other watercraft and commercial fishing vessels of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources.

“(14) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

“(15) The gross proceeds of the sale or sales of tangible personal property to county and city school boards, independent school boards, and all educational institutions and agencies of the State of Alabama, the counties within the state, or any incorporated municipalities of the State of Alabama.

“(16) The gross proceeds from the sale of all devices or facilities, and all identifiable components thereof, or materials for use therein, acquired primarily for the control, reduction, or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily

for the control, reduction, or elimination of air and water pollution.

“(17) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited from taxing under the Constitution or laws of the United States or under the constitution of this state.

“(18) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors, or to the dealers, under this division or under any county sales tax law.

“(19) The gross proceeds received from the sale or furnishing of food, including potato chips, candy, fruit and similar items, soft drinks, tobacco products, and stationery and other similar or related articles by hospital canteens operated by Alabama state hospitals at Bryce Hospital and Partlow State School for Mental Deficients at Tuscaloosa, Alabama, and Searcy Hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

“(20) The gross proceeds of the sale, or sales, of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer, or seller of such poultry or poultry products, including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment, or sale of poultry or poultry products.

“(21) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients, and all other feed ingredients including concentrates, supplements, and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis, livestock, and poultry. Such exemption herein granted shall be in addition to exemptions now provided by law for feed for fish raised to be sold on a commercial basis, livestock, and poultry, but not including prepared foods for dogs or cats.

“(22) The gross proceeds of the sale, or sales, of seedlings, plants, shoots, and slips which are to be used for planting vegetable gardens or truck farms and other agricultural purposes. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, as-

sessed, or payable, the gross proceeds of the sale, or the use of plants, seedlings, shoots, slips, nursery stock, and floral products, except as hereinabove exempted.

“(23) The gross proceeds of the sale, or sales, of fabricated steel tube sections, when produced and fabricated in this state by any person, firm, or corporation for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also the gross proceeds of the sale, or sales, of steel which enters into and becomes a component part of such fabricated steel tube sections of said tunnel.

“(24) The gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet, or opera production when such concert or production is presented by any society, association, guild, or workshop group, organized within this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community by presenting such productions to the general public for an admission charge. The employment of a paid director or conductor to assist in any such presentation described in this subdivision shall not be construed to prohibit the exemptions herein provided.

“(25) The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold. The term “herbicides,” as used in this subdivision, means any substance or mixture of substances intended to prevent, destroy, repel, or retard the growth of weeds or plants. It shall include preemergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides, and desiccant herbicides.

“(26) The Alabama chapter of the Cystic Fibrosis Research Foundation and the Jefferson Tuberculosis Sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the State of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed, or payable.

“(27) The gross proceeds from the sale or sales of fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the computation of all sales taxes levied, assessed, or payable under the provisions of this division or levied under any county or municipal sales tax law.

“The words “commercial fishing vessels” shall mean vessels whose



masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

“(28) The gross proceeds of sales of sawdust, wood shavings, wood chips, and other like materials sold for use as “chicken litter” by poultry producers and poultry processors.

“(29) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines, and other medications including serums and vaccines, vitamins, minerals, or other nutrients for use in the production and growing of fish, livestock, and poultry by whomsoever sold. Such exemption as herein granted shall be in addition to the exemption provided by law for feed for fish, livestock, and poultry, and in addition to the exemptions provided by law for the above-enumerated substances and products when mixed and used as ingredients in fish, livestock, and poultry feed.

“(30) The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted under this division or under any county or municipal sales tax law. The exemption provided in this section shall not apply to any medicine purchased in any manner other than as is herein provided.

“For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

“a. The name and claim number as shown on a “Medicare” card issued by the United States Social Security Administration.

“b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

“c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

“For the purposes of this subdivision, any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.

“(31) There shall be exempted from the tax levied by this division the gross receipts of sales of grass sod of all kinds and character when in the

original state of production or condition of preparation for sale, when such sales are made by the producer or members of his family or for him by those employed by him to assist in the production thereof; provided, that nothing herein shall be construed to exempt sales of sod by a person engaged in the business of selling plants, seedlings, nursery stock, or floral products.

“(32) The gross receipts of sales of the following items or materials which are necessary in the farm-to-market production of tomatoes when such items or materials are used by the producer or members of his family or for him by those employed by him to assist in the production thereof: Twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed), and tomato boxes used in shipments to customers.

“(33) The gross proceeds from the sale of liquefied petroleum gas or natural gas sold to be used for agricultural purposes.

“(34) The gross receipts of sales from state nurseries of forest tree seedlings.

“(35) The gross receipts of sales of forest tree seed by the state.

“(36) The gross receipts of sales of Lespedeza bicolor and other species of perennial plant seed and seedlings sold for wildlife and game food production purposes by the state.

“(37) The gross receipts of any aircraft manufactured, sold, and delivered in this state if said aircraft are not permanently domiciled in Alabama and are removed to another state within three days of delivery.

“(38) The gross proceeds from the sale or sales of all diesel fuel used for off-highway agricultural purposes.

“(39) The gross proceeds from sales of admissions to any sporting event which:

“a. Takes place in the State of Alabama on or after January 1, 1984, regardless of when such sales occur; and

“b. Is hosted by a not-for-profit corporation organized and existing under the laws of the State of Alabama; and

“c. Determines a national championship of a national organization, including but not limited to the Professional Golfers Association of America, the Tournament Players Association, the United States Golf Association,

the United States Tennis Association, and the National Collegiate Athletic Association; and

“d. Has not been held in the State of Alabama on more than one prior occasion, provided, however, that for such purpose the Professional Golfers Association Championship, the United States Open Golf Championship, the United States Amateur Golf Championship of the United States Golf Association, and the United States Open Tennis Championship shall each be treated as a separate event.

“(40) The gross receipts from the sale of any aircraft and replacement parts, components, systems, supplies, and sundries affixed or used on said aircraft and ground support equipment and vehicles used by or for the aircraft to or by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate, or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words “hub operation within this state” shall be construed to have all of the following criteria:

“a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

“b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

“(41) The gross receipts from the sale of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate, or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words “hub operation within this state” shall be construed to have all of the following criteria:

“a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

“b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

“(42) The gross proceeds of the sale or sales of the following:

“a. Drill pipe, casing, tubing, and other pipe used for the explora-

tion for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

“b. Tangible personal property exclusively used for the exploration for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

“c. Fuel and supplies for use or consumption aboard boats, ships, aircraft, and towing vessels when used exclusively in transporting persons or property between a point in Alabama and a point or points in offshore federal waters for the exploration for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

“d. Drilling equipment that is used for the exploration for or production of oil, gas, sulphur, or other minerals, that is built for exclusive use outside this state and that is, on completion, removed forthwith from this state.

“The delivery of items exempted by this subdivision to the purchaser or lessee in this state does not disqualify the purchaser or lessee from the exemption if the property is removed from the state by any means, including by the use of the purchaser’s or lessee’s own facilities.

“The shipment to a place in this state of equipment exempted by this subdivision for further assembly or fabrication does not disqualify the purchaser or lessee from the exemption if on completion of the further assembly or fabrication the equipment is removed forthwith from this state. This subdivision applies to a sale that may occur when the equipment exempted is further assembled or fabricated if on completion the equipment is removed forthwith from this state.

“(43) The gross receipts derived from all bingo games and operations which are conducted in compliance with validly enacted legislation authorizing the conduct of such games and operations, and which comply with the distribution requirements of the applicable local laws; provided that the exemption from sales taxation granted by this subdivision shall apply only to gross receipts taxable under subdivision (2) of Section 40-23-2. It is further provided that this exemption shall not apply to any gross receipts from the sale of tangible personal property, such as concessions, novelties, food, beverages, etc. The exemption provided for in this section shall be limited to those games and operations by organizations which have qualified for exemption under the provisions of 26 U.S.C. § 501 (c) (3), (4), (7), (8), (10), or (19), or which are defined in 26 U.S.C. § 501(d).

“(44) The gross receipts derived from the sale or sales of fruit or

other agricultural products by the person or corporation that planted, cultivated, and harvested such fruit or agricultural product.

“(45) The gross receipts derived from the sale or sales of all domestically mined or produced coal, coke, and coke by-products used in cogeneration plants.

“(46) The gross receipts derived from the sale of ophthalmic materials, including lenses, frames, eyeglasses, contact lenses, and other therapeutic optic devices prescribed for impaired vision.

“(b) Any violation of any provision of this section shall be punishable in a court of competent jurisdiction by a fine of not less than \$500 and no more than \$2,000 and imprisonment of not less than six months nor more than one year in the county jail.

“§40-23-62.

“The storage, use or other consumption in this state of the following tangible personal property is hereby specifically exempted from the tax imposed by this article:

“(1) Property, the gross proceeds of sales of which are required to be included in the measure of the tax imposed by the provisions of article 1 of this chapter.

“(2) Property, the storage, use or other consumption of which this state is prohibited from taxing under the Constitution or laws of the United States of America or under the constitution of this state.

“(3) Tangible personal property, not to be used in the performance of a contract, brought into this state by a nonresident thereof for his own storage, use or consumption while temporarily within this state.

“(4) Lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, the storage, use or other consumption of which is otherwise taxed.

“(5) All fertilizer; provided, that the word “fertilizer” as used in this article shall not be construed to include cottonseed meal when not in combination with other material.

“(6) All seeds for planting purposes and baby chicks and poults; provided, that nothing herein shall be construed to exempt plants, seedlings, nursery stock or floral products.

“(7) Insecticides and fungicides and feed for livestock and poultry, but not including prepared foods for dogs and cats.

“(8) The use, storage or consumption of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

“(9) Cottonseed meal exchanged for cottonseed at or by cotton gins.

“(10) Transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which when sold by public utilities, are customarily fixed and determined by the Public Service Commission of Alabama or like regulatory bodies.

“(11) Coal or coke to be stored, used or consumed by manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products or the generation of heat or power used:

“a. In manufacturing tangible personal property for sale;

“b. For the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale; or

“c. For the generation of motive power for transportation.

“(12) Fuel and supplies for use or consumption aboard ships, vessels, towing vessels, or barges, or drilling ships, rigs or barges, or seismic or geophysical vessels, or other watercraft (herein for purposes of this exemption being referred to as “vessels”) engaged in foreign or international commerce or in interstate commerce; provided, that nothing in this article shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships, other watercraft and commercial fishing vessels of over five tons load displacement as registered with the U. S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources. For purposes of this subdivision, it shall be presumed that vessels engaged in the transportation of cargo between ports in

the State of Alabama and ports in foreign countries or possessions or territories of the United States or between ports in the State of Alabama and ports in other states are engaged in foreign or international commerce or interstate commerce, as the case may be. For the purposes of this subdivision, the engaging in foreign or international commerce or interstate commerce shall not require that the vessel involved deliver cargo to or receive cargo from a port in the State of Alabama. For purposes of this subdivision, vessels carrying passengers for hire, and no cargo, between ports in the State of Alabama and ports in foreign countries or possessions or territories of the United States or between ports in the State of Alabama and ports in other states shall be engaged in foreign or international commerce or interstate commerce, as the case may be, if, and only if, both of the following conditions are met: (i) the vessel in question is a vessel of at least 100 gross tons; and (ii) the vessel in question has an unexpired certificate of inspection issued by the United States Coast Guard or by the proper authority of a foreign country for a foreign vessel, which certificate is recognized as acceptable under the laws of the United States. Vessels which are engaged in foreign or international commerce or interstate commerce shall be deemed for the purposes of this subdivision to remain in such commerce while awaiting or under repair in a port of the State of Alabama if such vessel returns after such repairs are completed to engaging in foreign or international commerce or interstate commerce. For purposes of this subdivision, seismic or geophysical vessels which are engaged either in seismic or geophysical tests or evaluations exclusively in offshore federal waters or in traveling to or from conducting such tests or evaluations shall be deemed to be engaged in international or foreign commerce. For purposes of this subdivision, proof that fuel and supplies purchased are for use or consumption aboard vessels engaged in foreign or international commerce or in interstate commerce may be accomplished by the merchant or seller securing the duly signed certificate of the vessel owner, operator or captain or their respective agent on a form prescribed by the department that the fuel and supplies purchased are for use or consumption aboard vessels engaged in foreign or international commerce or in interstate commerce. Any person filing a false certificate shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$500 for each offense. Each false certificate filed shall constitute a separate offense. Any person filing a false certificate shall be liable to the department for all taxes imposed by this division upon the merchant or seller, together with any interest or penalties thereon, by reason of the sale or sales of fuel and supplies applicable to such false certificate. If a merchant or seller of fuel and supplies secures the certificate herein mentioned, properly completed, such merchant or seller shall not be liable for the taxes imposed by this division, if such merchant or seller had no knowledge that such certificate was false when it was filed with such merchant or seller.

“(13) Property stored, used or consumed by the State of Alabama, by the counties within the state or by incorporated municipalities of the State of Alabama.

“(14) The use, storage or consumption of materials, equipment and machinery which, at any time, enter into and become a component part of ships, vessels, towing vessels or barges, or drilling ships, rigs or barges, or seismic or geophysical vessels, other watercraft and commercial fishing vessels of over five tons load displacement as registered with the U. S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources.

“(15) The use, storage or consumption of fuel oil purchased as fuel for kilns used in manufacturing establishments.

“(16) Tangible personal property stored, used or consumed by county and city school boards, independent school boards and all educational institutions and agencies of the State of Alabama, the counties within the state or any incorporated municipality of the State of Alabama.

“(17) The storage, use or consumption of railroad cars, vessels, and barges and commercial fishing vessels of over five tons load displacement as registered with the U. S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources when purchased from the manufacturers or builders thereof.

“(18) The storage, use or consumption of all devices or facilities, and all identifiable components thereof or materials for use therein, used or placed in operation primarily for the control, reduction or elimination of air or water pollution, and the storage, use or consumption of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air or water pollution.

“(19) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property required pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this article, or under any county use tax law.

“(20) The storage, use or other consumption in this state of religious magazines and publications. For the purpose of this subdivision the words “religious magazines and publications” shall be construed to mean printed or illustrated lessons, notes and explanations distributed by churches or other religious organizations free of charge to pupils or students in Sun-



day schools, Bible classes or other educational facilities established and maintained by churches or similar religious organizations in this state.

“(21) The storage, use or other consumption of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment or sale by the producer, processor, packer or seller of such poultry or poultry products including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

“(22) The storage, use or other consumption of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for livestock and poultry. Such exemption herein granted shall be in addition to exemptions now provided by law for feed for livestock and poultry, but not including prepared foods for dogs and cats.

“(23) The use of seedlings, plants, shoots, and slips which are to be used for planting vegetable gardens or truck farms. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the use of plants, seedlings, shoots, slips, nursery stock and floral products except as hereinabove exempted.

“(24) Fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation, for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also steel which enters into and becomes a component part of such fabricated steel tube sections of said tunnel, shall be exempted from the provisions of this article and from the computation of the amount of the tax levied, assessed or payable under this article.

“(25) The storage, use or other consumption of herbicides for agricultural uses by whomsoever sold. The term “herbicides” as used in this subdivision means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include preemergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and desiccant herbicides.

“(26) The Alabama chapter of the Cystic Fibrosis Research Foundation, and the Jefferson Tuberculosis Sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good

faith in the State of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the payment of the state use tax levied under this article.

“(27) Fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the payment of the state use tax levied under this article, or levied under any county or municipal use tax law.

“The words “commercial fishing vessels” shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

“(28) The storage, use or withdrawal of sawdust, wood shavings, wood chips and other like materials purchased for use as “chicken litter” by poultry producers and poultry processors shall be exempt under this article.

“(29) The storage, use or other consumption of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry are hereby specifically exempted from the payment of the state use tax levied by this article. Such exemption as herein granted shall be in addition to the exemptions now provided by law for feed for fish, livestock and poultry, and in addition to the exemptions now provided by law for the above-enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feeds.

“(30) All medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted from the operation of the state use tax law levied by this article, or by any county or municipal use tax law. The exemptions provided in this subdivision shall not apply to any medicine purchased in any manner other than as is herein provided.

“For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

“a. The name and claim number as shown on a “Medicare” card issued by the United States Social Security Administration.

“b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

“c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

“For the purposes of this subdivision any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.

“(31) All diesel fuel used for off-highway agricultural purposes.

“(32) The storage, use or other consumption of any aircraft and replacement parts, components, systems, supplies and sundries affixed or used on said aircraft and ground support equipment and vehicles used by or for the aircraft by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words “hub operation within this state” shall be construed to have all of the following criteria:

“a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

“b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

“(33) The storage, use or other consumption of hot or cold food and beverage products by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words “hub operation within this state” shall be construed to have all of the following criteria:

“a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

“b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

“(34) The storage, use or other consumption of the following:

“a. Drill pipe, casing, tubing, and other pipe used for the explora-

tion for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

“b. Tangible personal property exclusively used for the exploration for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

“c. Fuel and supplies for use or consumption aboard boats, ships, aircraft and towing vessels when used exclusively in transporting persons or property between a point in Alabama and a point or points in offshore federal waters for the exploration for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

“d. Drilling equipment that is used for the exploration for or production of oil, gas, sulphur, or other minerals, that is built for exclusive use outside this state and that is, on completion, removed forthwith from this state.

“e. All domestically mined or produced coal, coke, and coke by-products used in cogeneration plants in Alabama.

“(35) The storage, use, or other consumption of ophthalmic materials, including lenses, frames, eyeglasses, contact lenses, and other therapeutic optic devices prescribed for impaired vision.

“The delivery of items exempted by this subdivision to the purchaser or lessee in this state does not disqualify the purchaser or lessee from the exemption if the property is removed from the state by any means, including by the use of the purchaser’s or lessee’s own facilities.

“The shipment to a place in this state of equipment exempted by this subdivision for further assembly or fabrication does not disqualify the purchaser or lessee from the exemption if on completion of the further assembly or fabrication the equipment is removed forthwith from this state. This subdivision applies to a sale that may occur when the equipment exempted is further assembled or fabricated if on completion the equipment is removed forthwith from this state.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Davidson, Figures, Lindsey, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -21

Nay: Senator Freeman

- 1

On motion of Senator Biddle, the Rules were suspended and further consideration of the Bill, SB 59, as amended, was postponed subject to the call of the Chair.

### **REPORT OF COMMITTEE OF CONFERENCE ON SB 438**

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning Senate Bill 438, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TOM BUTLER,  
DEWAYNE FREEMAN,  
E. B. MCCLAIN,

Conferees on the part of the Senate.

RALPH BURKE,  
JOHN ROGERS,  
STEPHEN MCMILLAN,

Conferees on the part of the House.

### **CONFERENCE COMMITTEE SUBSTITUTE FOR SB 438**

#### **A BILL TO BE ENTITLED AN ACT**

To amend Section 38-4-12, Code of Alabama 1975 to further provide for the distribution of the one mill ad valorem tax; to create the Alabama Veterans' Assistance Fund in the state treasury; and to appropriate the proceeds deposited into the Alabama Veterans' Assistance Fund.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 38-4-12, Code of Alabama 1975 is amended to read as follows:

“§38-4-12.

“(a) Except as provided in subsection (b), there is appropriated, beginning with the fiscal year ending September 30, 1998, to the State Department, for old age pension purposes, out of the proceeds from the levy of the one mill tax for the relief of needy Confederate soldiers and sailors and their widows, at a sum not to exceed \$20,773,500 annually of the surplus or residue from the tax after the payment in full of the pensions to the widows of Confederate soldiers and sailors, ~~and~~ other charges against the fund set out in the laws authorizing the payment of the pensions to the widows, and annually to the Department of Revenue, as a first charge against the proceeds of the one mill tax, funds for the annual costs of the Department of Revenue for administering the tax. In making this appropriation, it is declared to be the legislative policy that the Department of Human Resources shall expend ~~all its portion~~ of the surplus or residue hereby appropriated and all moneys received by it from the federal government as matching funds for all funds expended for Confederate pensions or as matching funds for the surplus or residue hereby appropriated under this section, for old age pension purposes exclusively insofar as is possible under existing laws and the rules and regulations of the federal government and of the Department of Human Resources in regard thereto, before any part thereof may be expended for any other purposes of the Department of Human Resources.

~~“(b) From all of the surplus or residue provided in (a) above after deducting the amounts allotted to the recipient agencies under the annual appropriations act from the one mill ad valorem tax, there is hereby appropriated to the Department of Veterans’ Affairs all of the remaining residue to be expended for veterans’ nursing homes located in Bay Minette, Alabama and Huntsville, Alabama. This appropriation shall continue until the Department of Veterans’ Affairs receives an aggregate of \$5,500,000.~~

“(b) Beginning with the fiscal year ending September 30, 1997, all of the remaining surplus or residue from the tax provided in (a) above, after deducting the amounts appropriated to the Department of Human Resources and the Department of Revenue under the annual appropriations act for the fiscal year ending September 30, 1997 and under subsection (a) of this section for each year thereafter, is hereby appropriated to the State Veterans’ Assistance Fund to be expended for veterans’ programs approved by the State Board of Veterans’ Affairs, including expenditures for emergencies and needs in the state’s veterans’ nursing homes.

~~“(c) At such time that the provisions of subsection (b) above are met, the distribution of the one mill tax as provided in subsection (a) above shall continue as provided in that section prior to the passage of this section.”~~

Section 2. There is hereby created in the state treasury a fund to be known as the Alabama Veterans' Assistance Fund, into which shall be deposited receipts from the one mill ad valorem tax as authorized in this act. The expenditure of all monies deposited into the fund shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975.

Section 3. All of the surplus or residue of the one mill tax for the relief of needy Confederate soldiers and sailors and their widows remaining from its appropriation for the fiscal year ending September 30, 1996, upon passage of this bill, shall be transferred and deposited into the Alabama Veterans' Assistance Fund established by Section 2, above.

Section 4. All funds deposited into the Alabama Veterans' Assistance Fund under this amendatory act are hereby appropriated for expenditure during the fiscal year ending September 30, 1997; and any such funds that remain unexpended at the end of the 1997 fiscal year are hereby reappropriated for the fiscal year ending September 30, 1998.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### CONFERENCE REPORT

On motion of Senator Butler, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

**SB 438.** To amend Section 38-4-12, Code of Alabama 1975 to further provide for the distribution of the one mill ad valorem tax; and to create the Alabama Veterans' Assistance Fund in the state treasury.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain,

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Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman,  
Steele, Waggoner, and Windom -27

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Roberts requested and received permission to suspend the Rules in order to bring up the Bill, SB 564, under the provisions of the Resolution, SR 120.

Senator Roberts, B.I.R., SB 564, adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Adams, Bedford, Biddle, Davidson, Dixon, Escott-Russell, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -22

Nay: Senator Figures - 1

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 564.** To amend Sections 41-10-20 and 41-10-27 to 41-10-30, inclusive, Code of Alabama 1975, relating to the Industrial Development Authority's authorization to issue bonds and make grants, to provide new criteria for the making of grants; to permit proceeds of grants to be used for rehabilitation of structures; to authorize the Industrial Development Authority to set additional criteria and require certifications and agreements as conditions for receipt of grants; to clarify definitions; and to provide for a retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 1

Yeas:

Senators:

Adams, Bedford, Biddle, Davidson, Dixon, Escott-Russell, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -22

Nay: Senator Figures - 1



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

**HB 582.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Home Builders Licensure Board with certain modifications; to amend Sections 34-14A-3, 34-14A-5, 34-14A-8, 34-14A-11, and 34-14A-14, Code of Alabama 1975, so as to provide for the membership of the board; require the annual submission of financial information by licensees; authorize the levy of administrative fines; and to provide that any document mailed certified mail return receipt requested is deemed filed when postmarked.

said Conference Report being in words and figures as follows:

**REPORT OF CONFERENCE COMMITTEE**

We, the Committee on Conference, appointed to reconcile the differences between the two houses concerning House Bill 582, have met, considered the matter, and agreed to the following substitute.

TOM HOGAN,  
GARRETH MOORE,  
MIKE HILL,

Conferees on the part of the House.

LOWELL BARRON,  
DEWAYNE FREEMAN,  
HINTON MITCHEM,

Conferees on the part of the Senate.

**CONFERENCE COMMITTEE SUBSTITUTE FOR HB 582**

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Home Builders Licensure Board with certain modifica-

tions; to amend Sections 34-14A-2, 34-14A-3, 34-14A-5, 34-14A-7, 34-14A-8, 34-14A-11, 34-14A-13, 34-14A-14, and 34-14A-15, Code of Alabama 1975; so as to provide further for definitions; provide for the membership of the board; to provide that certain records of the board are public; to provide further for licensure and the collection of fees; to provide further for the submission of financial information for initial licensure and renewal, to require the annual submission of financial information by licensees; authorize the levy of administrative fines; to provide that any document mailed certified mail return receipt requested is deemed filed when postmarked; to provide further for the reporting of violations; to provide further for penalties for violations; and to provide further for the operation of a recovery fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Home Builders Licensure Board, with the additional recommendations for statutory change as set out in Section 3 of this act.

Section 2. The existence and functioning of the Home Builders Licensure Board, created and functioning pursuant to Sections 34-14A-1 to 34-14A-17, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-14A-2, 34-14A-3, 34-14A-5, 34-14A-7, 34-14A-8, 34-14A-11, 34-14A-13, 34-14A-14, and 34-14A-15, Code of Alabama 1975, are amended to read as follows:

“§34-14A-2.

“As used in this chapter, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise.

“(1) RESIDENTIAL HOME BUILDER. One who constructs a residential building or structure for sale or who, for a fixed price, commission, fee, or wage, undertakes or offers to undertake the construction or superintending of the construction, of any building or structure which is not over three floors in height and which does not have more than four units in an apartment complex, or the repair, improvement, or reimprovement thereof, to be used by another as a residence when the cost of the undertaking exceeds ~~\$10,000.00~~ ten thousand dollars (\$10,000). Nothing herein shall prevent any person from performing these acts on his or her own residence or on his or her other real estate holdings. Anyone who engages or offers to engage in such undertaking in this state shall be deemed to have engaged in the business of residential home building.

“(2) HOME BUILDERS LICENSURE BOARD. The board created herein to regulate the home building and residential construction industry.

“(3) BOARD. The Home Builders Licensure Board.

“(4) CONTRACTING. Except as exempted herein, engaging in residential and private dwelling construction business as a contractor.

“(5) LICENSEE. A holder of a certificate issued pursuant to this chapter.

“(6) LICENSE. A new license or a renewal license issued by the board pursuant to this chapter.

“(7) INACTIVE LICENSE. A license issued at the request of a licensee, or a building official or a building inspector, which is renewable, but which is not currently valid.

“(8) PERSON. Any natural person, limited or general partnership, corporation, association, limited liability company, or other legal entity, or any combination thereof.

“(6) (9) DWELLING. A single unit providing complete independent residential living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“(7) (10) STRUCTURE. A residence, including a site-built home, a modular home constructed off-site, a condominium, ~~a manufactured home placed on a permanent foundation~~, a duplex or multi-unit residential building consisting of four dwelling units or less.

“§34-14A-3.

“There is ~~hereby~~ established the Home Builders Licensure Board. The board shall have nine members, at least one from each United States Congressional District in this state, who shall be appointed as follows: three by the Governor, three by the Lieutenant Governor, and three by the Speaker of the House of Representatives, from a list of three qualified individuals for each position, provided by the governing body of the Home Builders Association of Alabama. Seven of the members shall be residential home builders, as defined in this chapter, with at least five years' experience as a residential home builder and each shall be a bona fide resident of the State of Alabama. One member shall be a building official or inspector currently employed by a city, county, or state governmental entity and actively en-

gaged in inspecting or regulating residential construction in this state. One shall be a consumer member of the general public not employed by or affiliated with a licensee hereunder, and who has no spouse or immediate family member employed by or affiliated with a licensee hereunder. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. Of the initial members of this board, the appointing authorities shall designate that each appointee shall serve for an initial term of one, two, or three years, their terms of office expiring on December 31, of said years. Subsequent terms shall be for a period of three years. This appointing authority shall make an appointment to fill a vacancy for the remainder of any unexpired term from a list of three qualified persons supplied by the governing body of the Home Builders Association of Alabama. Each board member shall hold over after the expiration of his term until his or her successor shall be duly appointed and qualified.

“§34-14A-5.

“(a) All residential home builders shall be required to be licensed by the Home Builders Licensure Board annually except that any person engaged in residential home building on or before January 1, 1992, shall be duly licensed by the board, without examination, after paying the required annual fee and submitting to the board, within a period of twelve months after ~~such~~ the board is established, one of the following:

“(1) ~~(a)~~ An affidavit showing that ~~such~~ the residential home builder has constructed a minimum of one dwelling as defined herein within the year prior to January 1, 1992, or five dwellings within the previous five years.

“(2) ~~(b)~~ Satisfies the board of his or her building qualifications and experience.

“(3) ~~(c)~~ Is currently licensed as a residential home builder by a jurisdiction in this state which requires an examination for ~~such~~ licensure.

“(4) ~~(d)~~ Is a currently licensed residential remodeler by a jurisdiction in this state, who by his or her personal affidavit can establish that his or her business did a gross remodeling dollar volume in the previous calendar year of ~~\$250,000.00~~ two hundred fifty thousand dollars (\$250,000) or more.

“(b) Except as provided in this chapter, all licenses shall be issued or renewed upon the payment to the board of the annual license fee. The annual license fee shall be set by the board after it considers its cost of

operation. The annual fee may be increased or decreased by the board but in no event shall the board set ~~such~~ the annual fee at an amount which would not provide sufficient revenues to pay all the salaries, costs, and expenses incurred by the board in enforcing this chapter. The board may charge application processing fees, inactive license fees, and late fees. The inactive fees may be waived for building officials. The board may, upon request in writing, refund fees, except the application processing fee, paid by an applicant who is denied a license or who fails to complete the application process. No fees shall be refunded to a licensee as a result of a license revocation. The annual license fee shall be for a period of twelve months beginning January first of each year. All license fees collected by the board shall be paid into the State Treasury to the credit of the Home Builders Licensure Board Fund and its funds shall be subject to withdrawal only upon warrant of the State Comptroller to be issued upon certification of the Secretary/Treasurer of the board.

“(c) Any funds remaining in the State Treasury to the credit of the home builders licensure board fund at the end of each year shall be paid into the general fund of the state on or before January 15, in each succeeding year. The board is authorized, at all times, to retain a sum not in excess of \$250,000.00 two hundred fifty thousand dollars (\$250,000) to meet any emergency that may arise which may affect its efficient operation.

“(d) No funds shall be withdrawn or expended except as budgeted and allocated according to Sections 41-4-80 ~~through to~~ 41-4-96, inclusive, and 41-19-1 ~~through to~~ 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriations bills.

~~“There is hereby appropriated from the Home Builders Licensure Board Fund to the Home Builders Licensure Board, for fiscal years 1991-92 and 1992-93, such amounts as are deemed necessary by the Home Builders Licensure Board to fund the costs of its operations.~~

“§34-14A-7.

“(a) Any residential home builder who desires to ~~be receive a new or renewal license licensed~~ under this chapter shall make and file with the board 30 days prior to the next meeting of the board a written application on a form prescribed by the board. Such application shall be accompanied by the payment of the annual license fee required by the board. After the board accepts the application the applicant may be examined by the board at its next meeting. The board in examining the applicant shall consider the following qualifications of the applicant:

“(a) (1) Experience.

~~“(b) (2)~~ Ability.

~~“(e) (3)~~ Character.

~~“(d) Financial (4) Business-related financial~~ condition.

“a. The board may require a financial statement on a form prescribed by the board and a public records search directly from a credit reporting agency.

“b. The board may require a positive net worth or other evidence of business-related financial condition sufficient to reasonably satisfy the board of the applicant’s financial responsibility.

“c. The board may require that business-related judgments, judgment liens, and other perfected liens, must be satisfied and released.

“d. Any information obtained by the board pursuant to this subsection relating to the financial condition of an applicant shall not be public information.

~~“(e) (5)~~ Ability and willingness to serve the public and conserve the public health and safety.

~~“(f) (6)~~ Any other pertinent information the board may require.

“If the board finds the applicant qualified to engage in residential home building in Alabama, the applicant shall be issued a license. An applicant rejected by the board shall be given an opportunity to be reexamined after a new application has been filed and an additional application fee paid.

“A record shall be made and preserved by the board of each examination and the findings of the board pertaining to the examination. A copy of the record shall be made available to any applicant requesting it upon the payment of a reasonable fee for same to the board.

“(b) (1) a. Any licensee who desires to receive an inactive license shall make and file with the board a written application for an inactive license on a form prescribed by the board prior to the expiration of his or her current license. The application shall be accompanied by the payment of the annual inactive license fee required by the board. No act for which a license is required may be performed under an inactive license. In the event a person holding a current inactive license applies for a license, he or she may rely upon his or her inactive license as evidence of the experience and

ability requirements for licensure under subdivisions (1) and (2) of subsection (a).

“b. A person holding an expired license who seeks to reactivate his or her license within three years of the date of expiration shall not be subject to examination if application is made within the three-year time period.

“(2) Any building official or building inspector who desires to receive an inactive license shall make and file with the board 30 days prior to the next meeting of the board a written application for an inactive license on a form prescribed by the board. After the board accepts the application, the applicant may be examined by the board at its next board meeting. The board, in examining the applicant, shall consider the following qualifications of the applicant as satisfying the experience and ability requirements for licensure:

“a. That the building inspector is an employee of the United States, the State of Alabama, or any municipality, county, or other political subdivision and, by virtue of that employment, is exempted or prohibited by law from holding a license; and

“b. That the building inspector either:

“1. Maintains current certification from the Southern Building Code Congress International as one of the following:

“(i) Chief building official.

“(ii) Deputy building official.

“(iii) Building inspector.

“(iv) Housing inspector.

“(v) Design professional.

“(vi) Plan reviewer.

“2. Possesses sufficient building qualifications and experience to receive a license, as demonstrated by satisfactory evidence presented to the board.

“(3) In the event a building official or building inspector holding a current inactive license applies for a license, he or she may rely upon his or her inactive license as evidence of the experience and ability requirements

for licensure under subdivisions (1) and (2) of subsection (a).

“§34-14A-8.

“The board may revoke or suspend the license of any licensee who, in the opinion of the board, has committed fraud or deceit in obtaining a license required by this chapter or who has been guilty of gross negligence, incompetence, or misconduct in the practice of residential home building. Any person may prefer charges of fraud, deceit, negligence, incompetence, or misconduct against any licensee hereunder. Charges shall be made in writing and sworn to by the person making the charges. Charges shall be submitted to the executive secretary of the board.

“~~Such~~ The charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard ~~in an open hearing~~ within three months after the filing of an administrative summons and complaint by the board's executive secretary. A copy of the charges, with notice of the time and place of the hearing, shall be served on the licensee charged at least fifteen days before the hearing date. The licensee charged may appear personally and may be represented by counsel. He or she may cross-examine witnesses against him or her and may produce evidence and witnesses in his or her defense. If, after hearing, the board votes to revoke the license of the licensee charged on the basis of fraud or deceit in obtaining his or her license or gross negligence, incompetence, or misconduct in residential home building activity, it shall order the license revoked. After revocation, the licensee may within ten days file with the board written notice of his or her intention to appeal from the order of the board. Appeals from orders of the board shall be to the circuit court with jurisdiction of licensee's residence, or if the licensee is out of state, then to the Circuit Court of Montgomery County, for a determination by the court whether the ~~board's~~ decision of the board is supported by substantial evidence. If the court so finds it shall affirm the ~~board's~~ action of the board.

“The board may reissue a license to a licensee whose license has been revoked, and may reinstate a suspended license prior to the end of the suspension period, if four or more members of the board vote in favor of ~~such~~ the reissuance or reinstatement.

“In addition to any other disciplinary action authorized pursuant to this chapter, the board may levy and collect administrative fines for violations of this chapter or the rules or regulations of the board in an amount not to exceed one thousand dollars (\$1,000) for each violation.

“§34-14A-11.



“(a) The Board is authorized to promulgate rules and regulations necessary to effectuate the provisions of this chapter and accomplish its work. The ~~board's~~ rule-making powers of the board are subject to the Alabama Administrative Procedure Act as codified in Chapter 22 of Title 41.

“(b) For the purposes of this chapter, any notice, application, or other document required herein which is mailed certified mail return receipt requested, shall be deemed to have been filed as of the date it is postmarked. The provisions of this subsection shall be retroactively effective to all mailings relating to board business occurring on or after May 21, 1992.

“§34-14A-13.

“It is the duty of the building official, or other authority charged with the duty, of issuing building or similar permits, of any incorporated municipality or subdivision of the municipality or county, to refuse to issue a permit for any undertaking which would require a license hereunder unless the applicant has furnished evidence that he or she is either licensed as required by this chapter or is exempt from the requirements of this chapter. ~~It is the duty of the~~ The building official, or other authority charged with the duty of issuing building or similar permits, to ~~shall~~ report to the board the name and address of any person who, in his or her opinion, has violated this chapter.

“§34-14A-14.

“Any ~~licensee~~ person who undertakes or attempts to undertake the business of residential home building without first having procured a valid license, which has neither expired or been revoked, required by the provisions of the chapter or who knowingly presents to, or files false information with the board for the purpose of obtaining ~~such~~ the license or who violates any law or code adopted by a county commission under ~~the provisions of~~ this chapter shall be deemed guilty of a Class C misdemeanor.

“Upon notice from the board, any person who undertakes or attempts to undertake the business of residential home building without first having procured a valid license, which has neither expired or been revoked by the provisions of this chapter, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the residential home builder, or to the person doing the work, and shall state the conditions under which work may be resumed.

“No residential home builder, who does not have the license required, may bring or maintain any action to enforce the provisions of any

contract for residential home building which he or she entered into in violation of this chapter.

“Whenever it shall appear to the board that any residential home builder has violated or is about to violate this chapter, the board may in its own name petition the circuit court of the county where the violation occurred or is about to occur to issue a temporary restraining order or other appropriate injunctive relief enjoining ~~such~~ the violation.

“§34-14A-15.

“The board is authorized to establish a recovery fund from which an aggrieved party may recover actual ~~or compensatory~~ economic damages, not including interest and court costs, sustained within the State of Alabama as the direct result of conduct of a licensee in violation of this chapter or the rules and regulations of the board.

“Any payments from the recovery fund shall be subject to the following limitations and conditions:

“(1) Payments for claims based on judgments or settlements against any one licensee shall not exceed ~~\$50,000.00~~ fifty thousand dollars (\$50,000) in the aggregate.

“(2) Payments for claims arising out of the same transaction shall not exceed ~~\$50,000.00~~ fifty thousand dollars (\$50,000) in the aggregate ~~regardless of the number of claimants.~~

“(3) Payment for any single claimant shall not exceed ~~\$50,000.00~~ twenty-five thousand dollars (\$25,000).

“(4) The recovery fund shall be liable only to home owners.

~~“When the balance remaining in the recovery fund is less than \$500,000.00, each~~ Each licensee shall, on order of the board, pay a fee of ~~\$30.00~~ thirty dollars (\$30), no more than once a year, per licensee for deposit in the recovery fund. A licensee on inactive status shall not be required to contribute to the recovery fund.

“When a complaint is filed which may result in liability for the recovery fund, the complainant shall notify the board in writing, by certified mail, when the action is commenced.

“When the notice is received, the board may enter an appearance, file pleadings and appear at court hearings, defend or take action it deems

appropriate either on the behalf and in the name of the defendant or in its own name. The board may seek any appropriate method of judicial review. The board may settle or compromise the claim. Any expenses incurred by the board in defending, satisfying, or settling any claim shall be paid from the recovery fund.

“When a complainant recovers a valid judgment in a court of competent jurisdiction against a licensee on the grounds set out above, the aggrieved party may, when judgment is final, file a verified claim in the court in which the judgment was entered and, on 30 days’ written notice to the board, may apply to the court for an order directing payment out of the recovery fund of the amount remaining unpaid on the judgment.

“The court shall proceed on such application forthwith and, on hearing, the complainant shall be required to show that:

“(1) He or she is not the spouse, child, or parent of the debtor, or the personal representative of the spouse, child, or parent or a shareholder officer or director of the debtor;

“(2) He or she has obtained a judgment, as described in this section, stating the amount of the judgment and the amount owing on the judgment at the date of the application, and, that in such action, he or she had joined any and all bonding companies which issued corporate surety bonds to the judgment debtor as principal and all other necessary parties.

“(3) The following items, if recovered by him or her have been applied to the actual compensatory damages awarded by the court:

“(a) Any amount recovered from the judgment debtor.

“(b) Any amount recovered from bonding companies.

“(c) Any amount recovered in out-of-court settlements.

“The court shall order the recovery fund to pay the sum it finds due, subject to the provisions and limitations of this section.

“Should the board pay from the recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensee, all licenses of the licensee may be terminated by the board. The board may refuse to issue a new license to the former licensee until he or she has repaid in full, plus interest at the rate of 12 percent per annum, the amount paid from the recovery fund. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this section.

“If the balance in the recovery fund is insufficient to satisfy a duly authorized claim or portion of a claim, the board shall, when sufficient money has been deposited in the recovery fund, satisfy the unpaid claims in the order that the claims were filed.

“The sums received by the board, pursuant to the provisions of this section, shall be deposited into the State Treasury and held in a special fund to be known as the home builders recovery fund, and shall be held by the board in trust for carrying out the purposes of the recovery fund. These sums may be invested by the State Treasurer in any investments which are legal under the laws of this state. Any interest or other income from investments of the recovery fund shall be deposited into the recovery fund.

“When, on order of the court, the board has paid from the recovery fund any sum, the board shall be subrogated to all the rights of the judgment creditor, and all his or her rights, title, and interest in the judgment, to the extent of the amount paid from the recovery fund, shall thereby be assigned to the board. Any amount and interest recovered by the board on the judgment shall be deposited to the fund.

“Each licensee shall notify the board within 10 days after notice to him or her of the institution of any criminal prosecution against him or her, or of a civil complaint against him or her, if the subject matter of the civil complaint involves a residential home building transaction or involves the goodwill of an existing home building business or licensee. The notification shall be in writing, by certified mail, and must include a copy of the complaint or, if a criminal charge, the specific charge made against him or her together with a copy of any indictment or information making the charges.

“Each licensee shall notify the board in writing by certified mail within 10 days after he or she receives the notice that any criminal verdict has been rendered against him or her, or that a criminal action pending against him or her has been dismissed, or that a civil action in which he or she was a defendant and which involved a home building transaction or the goodwill of a home building business has resulted in a judgment or been dismissed. The notification shall be in writing and shall include a copy of the court order or other document giving the licensee such notice.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

And said Bill, HB 582, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, HB 582, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Senator Mitchem, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 582, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 24 Nays 0  
Abstaining 1

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Biddle, Butler, Davidson, Dixon, Escott-Russell, Figures, Hale, Langford, Lindsey, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-24

Nays:

- 0

Abstaining: Senator Little

- 1

### FURTHER CONSIDERATION OF SB 59

The Senate proceeded to further consideration of the Bill, SB 59, as amended.

And said Bill, SB 59, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Davidson, Dixon,

Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Lindsey requested and received permission to suspend the Rules in order to bring up the Bill, SB 462, under the provisions of the Resolution, SR 120.

Senator Lindsey, B.I.R., SB 462, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Davidson, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 462.** To create the Office of Administrative Hearings; to provide for the appointment of a Chief Administrative Law Judge and administrative law judges; and to provide for qualifications, compensation, powers, and duties of the office and the positions.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, SB 462, to-wit:

### AMENDMENT TO SB 462

Amend SB 462 on Page 4, Line 16, by adding the language “mediation training,” before the word “conducting”

On motion of Senator Lindsey, said amendment was laid on the table.

Senator Lindsey then offered the following substitute for the Bill, SB 462, to-wit:

**SUBSTITUTE FOR SB 462**

A BILL  
TO BE ENTITLED  
AN ACT

To consolidate into one office the Administrative Law Judges or Hearing Officers; to provide for the appointment of a Chief Administrative Law Judge and administrative law judges; and to provide for qualifications, compensation, powers, and duties of the office and the positions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Administrative Law Judges or Hearing Officers are consolidated into an independent unit in the Executive Branch of State Government.

Section 2. Except as provided in this act, the office shall hear all contested cases or other hearings from agencies subject to the rulemaking procedures of the Administrative Procedure Act which are to be heard by a hearing officer. Nothing contained in this act shall restrict or otherwise pertain to the right of any agency head or governing body of any agency to hear contested cases without delegation or assignment to a hearing officer or other party. It is the intent of the Legislature that this act apply to all contested cases or other hearings heard by hearing officers in agencies subject to the rulemaking procedures of the Administrative Procedure Act. This act shall apply to any hearing officer of the Department of Revenue and hearings conducted by the Department of Revenue.

Section 3. (a) This act shall not apply to any agency not subject to the rulemaking procedures of the Alabama Administrative Procedure Act, and specifically the following:

- (1) An agency of the legislative branch.
- (2) An agency of the judicial branch.
- (3) The Governor.
- (4) The Alabama Board of Pardons and Paroles.
- (5) The Public Service Commission.

(6) The Department of Industrial Relations.

(7) The Department of Public Safety.

(b) Except as provided in subsection (a), this act shall apply to each agency that employs or engages one or more hearing officers, either full-time or part-time, to adjudicate contested cases unless the agency has been exempted by the Governor under subsection (c).

(c) Until three years after the effective date of this act, the Governor may temporarily exempt an agency which employs part-time hearing officers from this act.

Section 4. (a) The office shall be headed by a Chief Administrative Law Judge and any successor appointed to a six-year term by a majority vote of a committee consisting of the Governor, Lieutenant Governor, and Speaker of the House. The initial appointment to the office shall be made by August 31, 1997. If the committee fails to make an appointment by August 31, 1997, the Chief Justice of the Alabama Supreme Court shall appoint an acting chief administrative law judge until the committee makes an appointment.

(b) To be eligible for appointment as Chief Administrative Law Judge, a person shall have been admitted to the practice of law in the State of Alabama and engaged in the practice of law, with a substantial practice in administrative law, for a period of at least 10 years or have five years experience as an administrative law judge or hearing officer for a federal or state governmental agency.

(c) The Chief Administrative Law Judge shall receive a salary under the range established for an Attorney IV under the state merit system and shall receive all benefits received by employees of the state merit system, including, but not limited to, state employee retirement benefits and participation in the state employee health care program.

(d) A person appointed as Chief Administrative Law Judge shall devote full-time to the duties of the office. The Chief Administrative Law Judge shall serve until a successor is appointed and qualified.

Section 5. (a) The Chief Administrative Law Judge shall do all of the following:

(1) Supervise the Office of Administrative Hearings.

(2) Appoint and remove administrative law judges and other staff



as necessary pursuant to the state merit system and pursuant to this act.

(3) Assign administrative law judges to conduct hearings in contested cases.

(4) Establish classifications for case assignment on the basis of subject matter, expertise, and case complexity.

(5) Establish and implement standards and specialized training programs and provide materials for administrative law judges.

(6) Provide and coordinate continuing education programs and services for administrative law judges, including conducting research, providing technical assistance and technical and professional publications, compiling and disseminating information, and advising of changes in the law relative to their duties.

(7) Develop model rules of procedure and other guidelines for administrative hearings.

(8) Develop a code of professional responsibility for administrative law judges.

(9) Monitor the quality of state administrative hearings.

(10) Submit an annual report on the activities of the office to the Governor, the Lieutenant Governor, and to the Speaker of the House of Representatives.

(11) Meet and confer regularly with the Advisory Council on Administrative Hearings.

(b) The Chief Administrative Law Judge may do any of the following:

(1) Serve as an administrative law judge in a contested case.

(2) Furnish administrative law judges on a contractual basis to other governmental entities.

(3) Accept and expend funds, grants, gifts, and services from any public or private source for the office subject to existing law.

(4) Enter into agreements and contracts with any public or private agencies or educational institutions.

(5) Adopt rules and regulations to implement this act pursuant to the Administrative Procedure Act.

Section 6. (a) The Chief Administrative Law Judge shall appoint administrative law judges pursuant to the merit system from lists of Attorney III's submitted to the Chief Administrative Law Judge by the State Personnel Department.

(b) Persons appointed as administrative law judges shall receive the compensation designated by the Chief Administrative Law Judge from the range established for an Attorney III position by the State Personnel Department.

(c) Persons appointed as administrative law judges shall devote full time to the duties of the position and may not engage in activities inconsistent with the duties and responsibilities of an administrative law judge, including, but not limited to, the private practice of law.

(d) An administrative law judge may not be responsible to or subject to the supervision or direction of an officer, employee, or agent engaged in the performance of investigative, prosecuting, or advisory functions of any state agency other than the Office of Administrative Hearings.

Section 7. The Chief Administrative Law Judge and administrative law judges may administer oaths to any person appearing before them in a contested case or hearing.

Section 8. (a) An administrative law judge may summon witnesses and require the production of books, records, papers, or other tangible things at any hearing before the office, upon any matter within its jurisdiction. Witnesses may be summoned by any party to the proceeding in the same manner, be paid the same fees, and be subject to the same penalties as witnesses in civil cases before the circuit courts of this state.

(b) An administrative law judge may apply, upon affidavit, to any judge of a circuit court for an order, returnable in not less than two nor more than five days, to show cause why a person should not be committed to jail for refusal to comply with an order issued pursuant to subsection (a).

(c) On the return of an order issued pursuant to subsection (b), if the judge hearing the matter determines that the person is guilty of refusing to comply with the order of the administrative law judge, the judge may commit the offender to jail or provide otherwise as in cases of civil contempt.

Section 9. An administrative law judge may issue a stay of any order or decision of an agency to protect the jurisdiction of the office or to prevent a miscarriage of justice. The issuance of any stay shall be in effect until a hearing is held or to allow an appeal to be made to the proper reviewing court.

Section 10. (a) All units of state government shall cooperate with the Chief Administrative Law Judge in the discharge of the duties of the office.

(b) The office shall be subject to audit and examination by the Office of Examiners of Public Accounts.

(c) Except as may be provided in this act or in the regulations adopted pursuant to this act, an agency may not select or reject a particular administrative law judge for a particular proceeding.

Section 11. If the office is unable to assign an administrative law judge in response to a request from an agency, the Chief Administrative Law Judge shall designate in writing an individual who meets the qualifications for an administrative law judge as established by the office to serve as an administrative law judge in a proceeding before the agency.

Section 12. The office shall be bound by any agency regulation, declaratory ruling, prior adjudication, or other settled, preexisting policy, to the same extent as the agency is or would have been bound if it were hearing the case.

Section 13. (a) The office shall have final decision making responsibility in all hearings established by law or as authorized by any agency.

(b) Unless otherwise provided by law or by designation of an agency, the office shall make proposed findings or decisions to an agency.

(c) If a hearing is delegated to the office by an agency, the agency may not rescind, withdraw, or modify its delegation after the office has received the delegation.

Section 14. In the hearing of a proposed decision or order received from the office, the chief executive or governing body of the agency may not modify, reverse, or remand the recommended decision of the office except for enumerated, specified reasons in accordance with law.

Section 15. The Office of Space Management of the Department of Finance shall provide the office with office space.

Section 16. (a) Following the effective date of this act, any full-time hearing officer or administrative law judge meeting the qualifications for administrative law judge under this act and serving on April 15, 1997, in an agency covered by this act shall be administratively transferred to the Office of Administrative Hearings. Any person transferred pursuant to this section shall be continued in the same classification which he or she held under the state merit system prior to the transfer. Any person transferred pursuant to this section now serving in the classification of Chief Administrative Law Judge shall continue in the same salary range, but under the designation of administrative law judge, unless appointed as the Chief Administrative Law Judge. Within the same time restrictions, all full-time staff of covered agencies who have exclusively or principally served as support staff for administrative hearings shall be administratively transferred to the Office of Administrative Hearings. All equipment or other tangible property in possession of covered agencies which is used or held exclusively or principally by personnel transferred under this section shall be transferred to the Office of Administrative Hearings within the same time period provided in this act.

(b) The Chief Administrative Law Judge shall assess agencies the costs of services rendered to them in the conduct of hearings.

(c) All funds appropriated to or otherwise received by the office shall be deposited in a separate fund in the State Treasury, the Office of Administrative Hearings Fund, to be expended by the office at the direction of the Chief Administrative Law Judge for the administration and enforcement of this act. No money shall be withdrawn or expended from the Office of Administrative Hearings Fund for any purpose unless appropriated by the Legislature and budgeted and allotted pursuant to the Budget Management Act in accordance with Article 4 of Chapter 4 of Title 41, Code of Alabama 1975. At the end of any fiscal year, any unexpended or unencumbered monies deposited in the fund from any source, except appropriations from other state funds, shall remain in the fund. Any funds appropriated to any agency for the payment of salaries, benefits, or other expenses for any officers and employees transferred to the office of Administrative Hearings pursuant to this act shall be transferred to the Administrative Hearings Fund as appropriations for the purposes of this act.

Section 17. (a) There is created the State Advisory Council on Administrative Hearings.

(b) The council shall consist of nine members.

(c) The nine council members shall consist of the following:

(1) One council member shall be a member of the State Senate to be appointed by the Lieutenant Governor.

(2) One council member shall be a member of the State House of Representatives to be appointed by the Speaker of the House.

(3) One council member shall be the Attorney General or the designee of the Attorney General.

(4) Two council members shall be department heads or their designees from agencies involved in the adjudication of contested cases before the office to be appointed by the Governor.

(5) Two council members shall represent the State Bar Association to be appointed by the Attorney General.

(6) Two council members shall be from the general public, one to be appointed by the Lieutenant Governor and one to be appointed by the Speaker of the House.

Section 18. (a)(1) The term of a member of the council shall be four years and a council member may serve for more than one term.

(2) The terms of the council members shall be staggered. The initial members of the council appointed pursuant to subdivisions (1), (2), (3), and (4) of Section 17 shall be appointed for terms of two years commencing from January 1 after the effective date of this act. The initial members of the council appointed pursuant to subdivisions (5) and (6) shall be appointed for terms of four years commencing from January 1 after the effective date of this act.

(3) A council member shall not be disqualified by virtue of being engaged in the practice of law and he or she regularly appears as an attorney before the office.

(b) The council shall elect a chair from among its members to serve a term as set by the council.

(c) A member of the council shall receive no compensation, but shall be entitled to reimbursement for expenses pursuant to Sections 36-7-20 to 36-7-22, inclusive, of the Code of Alabama 1975.

Section 19. (a) The council shall have the following powers and duties:

(1) Advise the Chief Administrative Law Judge in carrying out the duties of the office.

(2) Identify issues of importance to administrative law judges that should be addressed by the Chief Administrative Law Judge.

(3) Review issues and problems relating to administrative hearings and the administrative process.

(4) Review and comment upon policies and regulations proposed by the Chief Administrative Law Judge.

(5) Conduct a study of agencies which employ hearing officers to adjudicate contested case hearings which have been exempted by the Governor pursuant to subsection (c) of Section 3 or which are not subject to the Administrative Procedure Act and recommend to the Governor those agencies for which the exemption should be continued or extinguished, or should be made subject to the Administrative Procedure Act.

(b) The council shall meet at a regular time and place as determined by the council.

Section 20. The Office of Administrative Hearings shall begin operation on October 1, 1997.

Section 21. The provisions of this act are severable and any determination as to the invalidity or unconstitutionality of any portion hereof shall not affect the remaining provisions.

Section 22. All laws or parts of laws which conflict with this act are repealed.

Section 23. This act shall become effective upon its approval and signature by the Governor or upon its otherwise becoming a law.

Senator Mitchell offered the following amendment to the substitute for the Bill, SB 462, to-wit:

**AMENDMENT TO SUBSTITUTE FOR SB 462**

Amend the substitute for SB 462, on Page 5, Line 6, by adding the language:

“mediation training,” before the word “conducting”.

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Davidson, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

And said Bill, SB 462, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Davidson, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Escott-Russell requested and received permission to suspend the Rules in order to bring up the Bill, SB 546, under the provisions of the Resolution, SR 120.

Senator Escott-Russell, B.I.R., SB 546, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Davidson, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**SB 546.** To require that the Alabama Coalition Against Domestic Violence, Incorporated, establish standards for domestic violence shelters for membership in the coalition; to enable domestic violence shelters that meet the standards to be eligible to receive state funds, and to provide for the distribution of the funds; and to require the coalition to establish standards for counseling programs for perpetrators of domestic violence.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 402.** To provide for a deduction under the State of Alabama income tax in certain amounts for qualifying volunteer fire, rescue, or emergency medical service members and to provide penalties for certain violations.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill



with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 498.** To provide for an additional circuit judgeship in the 37th Judicial Circuit; to provide for a Family Court Division of the circuit court; and to designate the additional judgeship as the presiding judge in the Family Court Division.

PAT LINDSEY,  
Chairperson.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 574.** Requiring legislative review and oversight of actions of the Ozone Transport Assessment Group initiated by the United States Environmental Protection Agency; requiring public hearings and legislative review of any proposed state actions related to the atmospheric transport of ozone, including draft and final state implementation plans to be submitted to the U. S. Environmental Protection Agency; and requiring prior legislative approval of and prohibiting the submission of state implementation plans under certain circumstances.

PAT LINDSEY,  
Chairperson.

### BUDGET ISOLATION RESOLUTION

Senator Waggoner requested and received permission to suspend the Rules in order to bring up the Bill, SB 268, under the provisions of the Resolution, SR 120.

Senator Waggoner, B.I.R., SB 268, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole,

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Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 268.** Proposing an amendment to the Constitution of Alabama of 1901, to phase-out supernumerary programs for county ad valorem tax officials and to permit their participation in a retirement system.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Adams requested and received permission to suspend the Rules in order to bring up the Bill, SB 651, under the provisions of the Resolution, SR 120.

Senator Adams, B.I.R., SB 651, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Freeman, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Waggoner, and Windom -23

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 651.** To provide for a program of study in American Heri-

tage Appreciation in the public schools of Alabama.

On motion of Senator Adams, the Rules were suspended, and further consideration of the Bill, SB 651, was postponed subject to the call of the Chair.

### BUDGET ISOLATION RESOLUTION

Senator Sanders requested and received permission to suspend the Rules in order to bring up the Bill, SB 609, under the provisions of the Resolution, SR 120.

Senator Sanders, B.I.R., SB 609, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 609.** To provide the "Education Revisions Act of 1997"; to amend Sections 16-6B-1, 16-6B-2, 16-6B-3, 16-6B-7, and 16-13-231, Code of Alabama 1975; to establish the Alabama K-12 Education Funding Study Council; and to establish the Alabama K-12 Education Facilities Study Committee.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Dixon requested and received permission to suspend the Rules in order to bring up the Bill, SB 255, under the provisions of the Resolution, SR 120.

Senator Dixon, B.I.R., SB 255, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 255.** To amend Section 17-19-7 of the Code of Alabama 1975, to provide further for the meeting of the members of the Electoral College.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill, SB 502, under the provisions of the Resolution, SR 120.

Senator Bailey, B.I.R., SB 502, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 502.** To amend Sections 34-11-1, 34-11-2, 34-11-3, 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9, 34-11-10, 34-11-11, 34-11-12, 34-11-14, 34-11-15, 34-11-30, 34-11-31, 34-11-32, 34-11-34, 34-11-35, 34-11-36, and 34-11-37 of the Code of Alabama 1975, which relate to the regulation and registration of professional engineers and land surveyors; to rename the board; to regulate the registration and fees, with expiration and renewal requirements for registration; to provide further for the issuance of certificates of authorization to certain corporations, partnerships, or firms practicing engineering or land surveying; to regulate further the compensation, powers, and duties of the members of the board; to regulate corporate practice; and to provide for penalties.

was taken up.

Senator Bailey offered the following amendment to the Bill, SB 502, to-wit:

#### **AMENDMENT TO SB 502**

Amend SB 502 on page 3, line 25 by deleting "34-11-10."

Further amend SB 502 on page 3, line 26 by deleting "and" and adding ", and 11-6-21" after "34-11-37".

Further amend SB 502 on page 4, line 14 by deleting "34-11-10".

Further amend SB 502 on page 4, line 15 by deleting "and" and adding ", and 11-6-21".

Further amend SB 502 on page 7, line 18 by adding "professional" after "Any".

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Further amend SB 502 on page 8, by deleting line 20 through line 26 from the bill and adding:

“b. Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, rights-of-way and easement acquisitions relative to the centerline of the project. Engineering surveys may be used to locate, relocate, establish, reestablish, layout or retrace any road, right-of-way, easement or alignment relative to the centerline of the project. Additionally, engineering surveys may be performed to determine areas, volumes or physical features of the earth, elevation of all real property, improvements on the earth and the configuration or contour of the surface of the earth or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics. All engineering surveys shall exclude the surveying of real property for the establishment of any property line or land boundaries, setting of corners or monuments, and the dependent or independent surveys or resurveys of the public land survey system.”

Further amend SB 502 on page 9 line 22 by adding the sentence “Notwithstanding the provisions of this subsection, the practice of land surveying shall exclude functions unique to engineering as specified by rules of the board.” after “others.”

Further amend SB 502 on page 46 by deleting line 7 through line 22 from the bill.

Further amend SB 502 on page 66, line 4 by adding “Section 11-6-21.

Any person appointed to the position of engineer trainee under the provisions of this article shall be a graduate engineer and a certified engineer-in-training engineer intern as provided in Chapter 11 Title 34, in the state of Alabama and in good standing; provided, that should an acceptable candidate possessing these qualifications not be available, such county may appoint as engineer trainee within the terms of this article a non graduate certified engineer-in-training engineer intern in good standing.”

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford,

Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays: - 0

And said Bill, SB 502, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator McClain requested and received permission to suspend the Rules in order to bring up the Bill, SB 437, under the provisions of the Resolution, SR 120.

Senator McClain, B.I.R., SB 437, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays: - 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 437.** To amend Section 34-21-2, Code of Alabama 1975, to increase the membership on the Alabama Board of Nursing and to provide for the appointment of a consumer member.

was taken up.

Senator McClain offered the following amendment to the Bill, SB 437, to-wit:

**AMENDMENT TO SB 437**

Amend SB 437 on Page 2, Line 21, after the word “nominees” by adding the following: “who are selected by the Board of Nursing Nomination Committee and”

Further amend SB 437 on Page 2, Line 21, after the word “~~him~~” by adding “to the governor”

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

And said Bill, SB 437, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Butler requested and received permission to suspend the Rules in order to bring up the Bill, SB 311, under the provisions of the Resolution, SR 120.

Senator Butler, B.I.R., SB 311, adopted.

Yeas 31 Nays 0



Yeas:

Sensors:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 311.** To provide that any local board of education receiving hold harmless funds may use part or all of its capital outlay allowance to pay for the additional costs of any salary increase mandated by the Legislature and not covered by an adjustment to the hold harmless allowance.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Sensors:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

### **FURTHER CONSIDERATION OF SB 57**

Senator Amari requested and received permission to suspend the Rules in order that the Senate proceed to further consideration of the Bill, SB 57, under the provisions of the Resolution, SR 120.

Senator Amari then offered the following substitute No. 3, for the Bill, SB 57, as amended, to-wit:

### **SUBSTITUTE NO. 3 FOR SB 57, AS AMENDED**

#### **A BILL TO BE ENTITLED AN ACT**

Regulating the installing and servicing of alarm systems; and the

providing of locksmith services; creating the Alabama Electronic Security Board of Licensure and specifying its composition, powers, and duties; specifying it is subject to the Alabama Sunset Law; creating a special fund to be known as the Alabama Electronic Security Board of Licensure Fund; providing for an appropriation from the fund to the board for the fiscal year ending September 30, 1998, in an amount deemed necessary by the board; providing for the licensure process, fees, violations, enforcement, application, and monetary, civil, and criminal penalties; and excluding from application counties with certain populations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purpose of regulating alarm system installers, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) ALARM SYSTEM. Burglar alarms, television cameras, or other electrical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage, and other similar losses. The term does not include any fire detection, fire alarm, or fire communication system.

(2) ALARM SYSTEM INSTALLER. A person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation or service, or both, of alarm systems for the public for any type of compensation.

(3) BURGLAR ALARM. An assembly of equipment and devices, or a single device such as a solid-state unit which plugs directly into an AC line, designed to detect an unauthorized intrusion or an attempted robbery at a protected premises or signal public police or private guards to respond, or both.

(4) INSTALLATION. The initial placement of equipment or the extension, modification, or alteration of equipment after initial placement.

(5) SERVICE. Necessary repair in order to return the system to operational condition.

(b) For the purpose of regulating locksmiths, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) LOCKSMITH. A natural person who performs locksmith services for the public for any type of compensation and has received a license pursuant to this act.

(2) LOCKSMITH SERVICES. Engaging in any of the following activities:

a. Repairing, rebuilding, rekeying, repinning, servicing, adjusting, opening, or installing locks, mechanical or electronic security devices, safes, vaults, or safe deposit boxes.

b. Operating a mechanical or electrical security device, safe, or vault by a means other than those intended by the manufacturer of such locking devices, safes, or vaults.

Section 2. (a) The Alabama Electronic Security Board of Licensure is created.

(b) The board, which shall reflect the racial, gender, geographic, urban and rural, and economic diversity of the state, shall consist of the following members to be appointed by the Governor:

(1) One member representing the alarm system industry selected from three nominees submitted by the Alabama Alarm Association.

(2) One member of the Alabama Locksmith Association selected from three nominees submitted by that association.

(3) One member of the Alabama Consulting Engineers Association selected from three nominees submitted by that association.

(4) One member of the Alabama Sheriff's Association selected from three nominees submitted by that association.

(5) One member who is an alarm system manufacturer selected from three nominees submitted by the Alabama Alarm Association.

(6) A person who is a representative of the consumers of the state.

(c)(1) The terms of the board members shall be four years.

(2) Of these members first appointed, two shall be appointed to four-year terms, two for three-year terms, and two for two-year terms.

(3) Any vacancy occurring other than by expiration of terms shall be filled for the remainder of the unexpired term by appointment by the Governor, subject to the nominating process specified in subsection (b).

(4) No member shall serve more than two successive four-year terms.

(5) A member shall serve until a successor is appointed and assumes office.

(d) Members shall be paid out of the funds of the board the same per diem as prescribed by law for state employees for each day of attendance of board business.

(e) Meetings shall be held at least four times per year. Special meetings shall be held at the call of the chair or by a majority of the members.

(f)(1) The board may adopt rules of proceedings.

(2) A majority of the board constitutes a quorum.

(3) The board shall elect a chair on an annual basis.

Section 3. The board shall have all of the following powers:

(1) License and regulate persons and business entities engaged in either of the following businesses:

a. Alarm system installer.

b. Locksmith.

(2) Establish the qualifications for licensure to ensure competency and integrity to engage in these businesses.

(3) Examine, or cause to be examined, the qualifications of each applicant for licensure including the preparation, administration, and grading of examinations, and when necessary, requiring the applicant to supply a board approved background investigation.

(4) License qualified applicants regulated by the board.

(5) Revoke, suspend, or fail to renew a license for just cause as enumerated in the regulations of the board.

(6) Levy and collect reasonable fees for licensure, including, but not limited to, the application process and testing of applicants, and renewal, suspension, and reissuance of licenses, and costs of necessary hearings, that are sufficient to cover all expenses for the administration and operation of the board.

(7) Promulgate rules and regulations in accordance with the Administrative Procedure Act necessary to perform its duties, to ensure continued competency, to prevent deceptive, misleading, or criminal practices by its licensees, and to effectively administer the regulatory system administered by the board.

(8) Register or by other means monitor employees of a licensee to ensure such employees do not impair the ability of the licensee to satisfy the requirements of this act.

(9) Receive complaints concerning the conduct of any person or business entity whose activities are regulated by the board and to take appropriate disciplinary action if warranted.

(10) Ensure that periodic inspections are conducted relating to the operations of licensees to ensure competency and lawful compliance.

(11) Require the purchase of comprehensive liability insurance related to business activities in a minimum specified amount.

(12) Require licensees and employees of licensees have available a photo identification card at all times when providing licensed services.

(13) Promulgate canons of ethics under which the regulated professional activities of persons and business entities shall be conducted.

(14) Employ or contract for necessary personnel, including a director, and provide necessary offices, supplies, and equipment to fulfill the requirements of this act.

(15) Delegate its powers and duties by resolution to a named designee.

(16) Enter into contracts and expend funds of the board to fulfill the requirements of this act.

(17) Borrow money for the initial start-up operation of the board until sufficient receipts are paid into the special revenue trust fund specified in Section 10.

Section 4. (a) The board shall promulgate regulations and standards for the training and licensing of alarm system installers and locksmiths. The board shall examine and license and may establish classifications of training and licensing for these businesses.

(b) The board shall, after a public hearing and consultation with persons who are knowledgeable regarding the business and pursuant to the Alabama Administrative Procedure Act, establish by board rules or regulations competency standards and any changes of the standards.

(c) The board may evaluate the competency of applicants for licenses. The board may either develop and administer an examination to evaluate competency, or rely on an examination developed and administered by a national or regional professional association.

(d) The board may adopt rules and regulations exempting applicants from examination requirements if the applicant has been engaged in the business for at least two consecutive years preceding the date of application.

Section 5. (a) The board shall issue licenses authorized by this act to all qualified individuals in accordance with rules or regulations established by the board.

(b) The annual license fee as set by the board shall not exceed one hundred fifty dollars (\$150) for an individual and seven hundred fifty dollars (\$750) for a business entity.

(c) The license shall not be transferred or assigned and is valid only with respect to the person to whom it is issued.

(d)(1) No license shall be granted if the applicant has had any prior business license revoked for fraud, misrepresentation, or any other act that would constitute a violation of this act.

(2)a. An applicant shall not be refused a license solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or profession for which the license is sought. The board may refuse a license if, based on all the information available, including the applicant's record of prior convictions, the board finds that the applicant is unfit or unsuited to engage in the business.

b. The board may consult with appropriate state or federal law enforcement authorities to verify whether an applicant has a criminal record prior to granting any license and, as an aid to this duty, each applicant may be required to provide his or her fingerprints and complete an affidavit of his or her criminal record, if any, as a part of the application. The board may periodically consult with state and federal law enforcement officials to determine whether current licensees have new criminal convictions.

(e) Any license granted pursuant to this act shall expire December 31 of each year unless it is renewed pursuant to regulations established by the board or unless it is suspended or revoked.

(f) An affirmative vote of a majority of board members shall be required before any action to suspend or revoke a license, to impose a sanction on a licensee, or to levy a monetary penalty. A board member shall disqualify himself or herself and withdraw from any case in which he or she cannot accord fair and impartial consideration.

(g) A nonresident of this state may be licensed by meeting one of the following requirements:

(1) Conforming to the provisions of this act and the regulations of the board.

(2) Holding a valid license in another state with which reciprocity has been established by the board.

(h) A licensee shall display the license at its normal place of business and in a manner easily readable by the general public.

(i) A notice shall be displayed prominently in the place of business of each licensee regulated pursuant to this act containing the name, mailing address, and telephone number of the board, and a statement informing consumers that complaints against licensees may be directed to the board.

(j) The license number of a licensee shall be displayed in all advertising.

(k) The board shall prepare information of consumer interest describing the regulatory functions and describing the procedures of the board by which consumer complaints shall be filed with and resolved by the board. The board shall make the information available to the general public and appropriate state agencies. The board shall provide upon request a listing of all licensees. The board may collect a fee for the cost of duplicating and mailing materials.

(l) Each written contract for services in the state of a licensee shall contain the name, mailing address, and telephone number of the board and a statement informing consumers that complaints against licensees may be directed to the board.

(m) Notice of the issuance, revocation, reinstatement, or expiration of every license issued by the board shall be furnished to the sheriff of the

county and the chief of police, as appropriate, and the inspection department of the city where the principal place of business of a licensee is located.

(n) Information contained in alarm system records held by the board concerning the location of an alarm system, the name of the occupant residing at the alarm system location, or the type of alarm system used shall be confidential and disclosed only to the board or as otherwise required by law.

Section 6. The licensing and regulatory provision of this act concerning alarm system installers shall not apply to any of the following persons, entities, or activities:

(1) A person or business entity which sells alarm systems at the premises of the customer and does not install, service, or respond to the alarm system at the premises of the customer.

(2) The installation, servicing, or responding to an alarm device which is installed in a motor vehicle, aircraft, or boat.

(3) The installation of an alarm system on property owned by or leased to the installer.

(4) A locksmith who does not install or service alarm systems.

(5) A person or business entity who owns or installs alarm systems, on his or her own property or, if he or she does not charge for the system or its installation, installs it for the protection of his or her personal property located on the property of another, and does not install the system as a normal business practice on the property of another.

(6) A person or business entity whose sale of an alarm system is exclusively over-the-counter or by mail order.

(7) A person or business entity in the business of building construction that installs electrical wiring and devices that may include in part the installation of an alarm system if both of the following apply:

a. The person or business entity is a party to a contract that provides that the installation shall be performed under the direct supervision of, inspected, and certified by a person or business entity licensed to install an alarm system and that the licensee assumes full responsibility for the installation and service of the alarm system.

b. The person or business entity does not service or maintain the alarm system.



(8) The response to an alarm system by a law enforcement agency or by a law enforcement officer acting in an official capacity.

(9) A business that engages in the installation or operation of telecommunications facilities or equipment which are used for the transport of any signal, data, or information outside the continuous premises on which any alarm system is installed or maintained.

(10) Any business entity, business owner, or person, or the agent or employee of such business entity, business owner, or person engaging in the routine visual inspection or manufacturer's or installer's recommended testing of an alarm system subject to this act owned by the business entity, business owner, or person and installed on property under the control of the business entity, business owner, or person.

(11) Any business entity, or person, or those engaged in property management, or agent or subcontractors or employees thereof, who, in the normal course of business, engage in the routine inspection, service, or replacement of such alarm systems, fire alarm or fire/smoke detection systems, fire communication systems, security devices, or other locking devices subject to this act, on or in property owned or under the control of such business entity, or person, or property manager.

(12) Consulting engineers who design, develop, modify, or offer other services within the scope of their profession regarding alarm systems.

(13) A licensed general contractor and the employees of the contractor whose activities are limited to the projects of the licensed general contractor.

(14) An electrician who is licensed by the state as an electrical contractor or an electrician who is licensed by the city or county as a master electrician.

(15) A licensed homebuilder and the employees of the homebuilder whose activities are limited to the projects of the licensed homebuilder.

Section 7. The licensing and regulatory provisions of this act concerning the business of locksmiths shall not apply to any of the following:

(1) Emergency services offered during a life-threatening situation by a law enforcement officer, fire fighting personnel, or other governmental official acting within the line and scope of duty.

(2) The acquisition or use of a device capable of copying or re-

producing keys, commonly referred to as a key duplication machine, and the use of key blanks for such duplication and reproduction purposes.

(3) Bona fide sales demonstrations made by sales representatives.

(4) Servicing, installing, repairing, or rebuilding of automotive locks by automotive service dealers, lock manufacturers, or agents of manufacturers.

(5) Installation of locks or locking devices by building trades personnel on projects requiring a building permit.

(6) Any business entity, business owner, or person, or agent or employee of such business entity, business owner, or person, engaging in the routine visual inspection or manufacturer's or installer's recommended testing of security devices, safes, vaults, and other devices subject to this act owned by the business entity, business owner, or person and installed on property under the control of the business entity, business owner, or person.

(7) Any business entity, or person, or those engaged in property management, or agent or subcontractors or employees thereof, who, in the normal course of business, engage in the routine inspection, service, or replacement of such alarm systems, fire alarm or fire/smoke detection systems, fire communication systems, security devices, or other locking devices subject to this act, on or in property owned or under the control of such business entity, or person, or property manager.

(8) Consulting engineers offering professional opinions regarding security devices, safes, vaults, and other such devices subject to this act.

Section 8. (a) Effective January 1, 1998, it shall be unlawful for any person or business entity to engage in a business regulated by this act in this state without a current valid license or in violation of this act and applicable rules and regulations of the board.

(b) Effective January 1, 1998, it shall be unlawful for a person or business entity not licensed under this act to advertise or hold out to the public that he or she is a licensee of the board.

(c) Any person or business entity who violates this act or any order, rule, or regulation of the board shall be guilty of a Class A misdemeanor.

(d) Effective January 1, 1998, it shall also constitute a Class A misdemeanor to willfully or intentionally do any of the following:

(1) Obliterate the serial number on an alarm system for the purpose of falsifying service reports.

(2) Knowingly and deliberately improperly install an alarm system, or knowingly and deliberately improperly service such a system.

(3) While holding a license, allow another person or business entity to use the license or license number.

(4) Use, or permit the use of, any license by a person or business entity other than the one to whom the license is issued.

(5) Use any credential, method, means, or practice to impersonate a representative of the board.

(6) Make use of any designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly licensed.

(7) Make use of any title, words, letters, or abbreviations which may reasonably be confused with a designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly licensed.

(8) Provide material misrepresenting facts in an application for licensure or in other communications with the board.

(9) Refuse to furnish the board information or records required or requested pursuant to statute or regulation.

(e) The board may institute proceedings in equity to enjoin any person or business entity from engaging in any unlawful act enumerated in this act. Such proceedings shall be brought in the name of this state by the board in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides.

(f) In addition to any other disciplinary action taken by the board, any person or business entity licensed by the board who violates this act or rule or regulation promulgated pursuant to this act shall be subject to a monetary penalty. If the board determines that the person is in fact guilty of the violation, the board shall determine the amount of the monetary penalty for the violation, which shall not exceed one thousand dollars (\$1,000) for each violation. The board may file a civil action to collect the penalty.

(g) The board is entitled to costs and reasonable attorney fees in any civil action in which it prevails.

Section 9. (a) This act and the rules and regulations promulgated pursuant to this act shall have uniform force and effect throughout the state. A municipality or county shall not enact an order, ordinance, rule, or regulation requiring a person or business entity to obtain a certification or license from the municipality or county, other than proof of a valid license issued by the board.

(b) This act shall not affect any general statute requiring a business license for an alarm system installer or locksmith.

(c) Nothing in this act limits the power of a municipality, a county, or the state to require the submission and approval of plans and specifications or to regulate the quality and character of work performed by contractors through a system of licenses, fees, and inspections otherwise authorized by law for the protection of the public health and safety.

Section 10. A separate special revenue trust fund in the State Treasury to be known as the Alabama Electronic Security Board of Licensure Fund is established. All receipts collected by the board under this act are to be deposited into this fund and shall be used only to carry out the provisions of this act. The receipts shall be disbursed only by warrant of the State Comptroller upon the State Treasury, upon itemized vouchers approved by the chair of the board. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only in amounts as stipulated in the general appropriations bill or other appropriations bills.

Section 11. There is appropriated from the Alabama Electronic Security Board of Licensure Fund to the Alabama Electronic Security Board of Licensure such amount as is deemed necessary by the board for fiscal year 1997-98.

Section 12. This act shall not apply in counties having populations of less than 30,000 inhabitants according to the most recent decennial census, unless the county commission of such a county, by the adoption of a resolution, irrevocably elects to be covered by this act.

Section 13. The Alabama Electronic Security Board of Licensure is subject to the provisions of the Alabama Sunset Law of 1981, and is classified as an enumerated agency pursuant to Section 41-20-3, Code of Alabama 1975. The board shall automatically terminate on October 1, 2000, and every four years thereafter, unless a bill is passed that the board be continued, modified, or reestablished.

Section 14. All laws or parts of laws which conflict with this act are repealed.

Section 15. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 16. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

And said Bill, SB 57, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Butler, Davidson, Denton, Figures, Freeman, Hale, Langford, Lindsey, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -23

Nays:

- 0

## BUDGET ISOLATION RESOLUTION

Senator Myers requested and received permission to suspend the Rules in order to bring up the Bill, SB 94, under the provisions of the Resolution, SR 120.

Senator Myers, B.I.R., SB 94, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Butler, Davidson, Denton, Figures, Freeman, Hale, Langford, Lindsey, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -23

Nays:

- 0

### **FURTHER CONSIDERATION OF SB 94**

The Senate proceeded to further consideration of the Bill:

**SB 94.** To amend Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, to provide further for the procedural authority of the Farmers' Market Authority relative to the lease, disposal, and sale of real property of the department; provide further for the members of the authority; to authorize the issuing, selling, and refunding of revenue bonds; to provide certain tax exemptions, to establish a debt service reserve fund; and provide further for the duties and funds of the authority.

having been postponed on the Fifth Legislative Day.

Senator Dixon offered the following amendment to the Bill, SB 94, to-wit:

### **AMENDMENT TO SB 94**

On page 7, lines 18 to 21, inclusive, delete Section 2 in its entirety and renumber the remaining sections.

On page 7, line 23, delete "3 to 12" and insert in lieu thereof:

"2 to 11"

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Butler, Davidson, Denton, Figures, Freeman, Hale, Langford, Lindsey, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -23

Nays:

- 0

Senator Dixon then offered the following amendment No. 2, to the Bill, SB 94, as amended, to-wit:

**AMENDMENT NO. 2 TO SB 94, AS AMENDED**

On page 5, lines 7 to 9, delete the language as follows:

“, and each member will continue to serve until a successor has been appointed by the Governor and confirmed by the Senate.”

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Butler, Davidson, Denton, Figures, Freeman, Hale, Langford, Lindsey, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -23

Nays:

- 0

And said Bill, SB 94, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Butler, Davidson, Denton, Figures, Freeman, Hale, Langford, Lindsey, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -23

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Windom requested and received permission to suspend the Rules in order to bring up the Bill, SB 78, under the provisions of the Resolution, SR 120.

Senator Windom, B.I.R., SB 78, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Butler, Figures, Freeman, Hale, Hill, Langford,

Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders,  
Smith, Smitherman, Waggoner, and Windom -21

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**SB 78.** To amend Sections 32-7-2, 32-7-6, and 32-7-7, Code of Alabama 1975, relating to the Motor Vehicle Safety Act requirements of proof of financial responsibility; to provide for a new section designated as Section 32-7-6A providing further for future financial responsibility satisfactory to the Director of the Department of Public Safety for liability for accidents arising out of the ownership, maintenance, and use of a motor vehicle subject to registration; to provide for notification to the director of the cancellation or termination of the insurance policy; to provide for the confiscation of a person's motor vehicle license tags and driver's license and a bounty fee therefor and the distribution of the bounty fee; to provide for certain exceptions and conditional releases for the payment of claims; to provide the conditions under which interest is paid on payments of claims; to provide for the levy of an administrative fee; and to provide for penalties and civil procedures.

was taken up.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, SB 78, to-wit:

### **SUBSTITUTE FOR SB 78**

#### **A BILL TO BE ENTITLED AN ACT**

To amend Sections 32-7-2, 32-7-6, and 32-7-7, Code of Alabama 1975, relating to the Motor Vehicle Safety Act requirements of proof of financial responsibility; to provide for a new section designated as Section 32-7-6A providing further for future financial responsibility satisfactory to the Director of the Department of Public Safety for liability for accidents arising out of the ownership, maintenance, and use of a motor vehicle subject to registration; to provide for notification to the director of the cancellation or termination of the insurance policy; to provide for the confiscation of a person's motor vehicle license tags and driver's license and a fine therefor and the distribution of the fine; to provide for certain exceptions and



conditional releases for the payment of claims; to provide the conditions under which interest is paid on payments of claims; to provide for the levy of an administrative fee; and to provide for penalties and civil procedures.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-7-2 and 32-7-6, Code of Alabama 1975, are amended to read as follows:

“§32-7-2.

“For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

“(1) DIRECTOR. The Director of Public Safety of the State of Alabama.

“(2) JUDGMENT. Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for those damages.

“(3) LICENSE. Any license, temporary instruction permit, or temporary license issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles.

“(4) MOTOR VEHICLE. Every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with the vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels and well drillers) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

“(5) NONRESIDENT. Every person who is not a resident of this state.

“(6) NONRESIDENT’S OPERATION PRIVILEGE. The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him or her of a motor vehicle or the use of a motor vehicle owned by him or her in this state.

“(7) OPERATOR. Every person who is in actual physical control of a motor vehicle.

“(8) OWNER. A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease of the motor vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee, or lessee, or mortgagor shall be deemed the owner for the purposes of this subdivision.

“(9) PERSON. Every natural person, firm, copartnership, association or corporation.

“(10) PROOF OF FINANCIAL RESPONSIBILITY. Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance, or use of a motor vehicle in the amount of \$20,000, because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, in the amount of \$40,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$10,000 because of injury to or destruction of property of others in any one accident.

“(11) PROOF OF FUTURE FINANCIAL RESPONSIBILITY. Where used in this article, the term “proof of future financial responsibility” shall be synonymous with the term “proof of financial responsibility for the future.” The methods of giving proof specified in subsection (c) of Section 32-7-6 shall be required as proof of future financial responsibility. The proof shall provide liability coverage for accidents arising out of the ownership, maintenance, or use of a motor vehicle subject to registration, in amounts specified in Section 32-7-2, occurring subsequent to the effective date of the proof.

~~“(11) (12) REGISTRATION.~~ Registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

~~“(12) (13) STATE.~~ Any state, territory or possession of the United States, the District of Columbia or any province of the Dominion of Canada.

“§32-7-6.

“(a) If 20 days after the receipt of a report of a motor vehicle acci-

dent within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of two hundred fifty dollars (\$250), the director does not have on file evidence satisfactory that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement or conditional release providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, which agreement or conditional release may include reasonable interest as set out in Section 32-7-7, the director shall determine the amount of security which shall be sufficient in his or her judgment to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against each operator or owner.

“(b) The director shall, within 60 days after the receipt of the report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in the accident, and if the operator is a nonresident the privilege of operating a motor vehicle within this state, and if the owner is a nonresident the privilege of the use within this state of any motor vehicle personally owned, unless the operator or owner or both shall deposit security in the sum so determined by the director. Notice of the suspension shall be sent by the director to the operator and owner, not less than 10 days prior to the effective date of the suspension, and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivisions (1), (2), or (3) of subsection ~~(e)~~ (d) of this section, he or she shall take appropriate action as provided within 60 days after receipt by the director of correct information with respect to these matters. Upon applying for reinstatement for suspension imposed under this section, no reinstatement fees shall be assessed if proper documentation is provided to the director that acceptable insurance was in effect at the time of the motor vehicle accident.

“(c) Proof of future financial responsibility. In addition to paragraph (b) of this section, the director shall, within 60 days after the receipt of the report of a motor vehicle accident, require future proof of financial responsibility for a period of three years in accordance with the provisions of this section. This section shall apply to the following persons:

“(1) Persons who have had their driver's license suspended or revoked under the motor vehicle laws of this state.

“(2) Persons who fail to deposit security in accordance with Sections 32-7-6 and 32-7-6A.

“(3) Persons who have failed to pay judgments arising out of the ownership, maintenance, or use of vehicles subject to registration under the laws of this state.

“(4) Persons who are involved in a motor vehicle accident and who have failed to demonstrate financial responsibility in accordance with this article.

“(5) Persons who drive a motor vehicle without being licensed.

“(6) Persons who are driving an unregistered vehicle on the highways.

“(e) (d) This section shall not apply under the conditions stated in Section 32-7-7 nor in any one of the following if:

“(1) The operator or owner if the owner had in effect at the time of the accident an automobile liability policy with respect to the motor vehicle involved in the accident.

“(2) The operator, if not the owner of the motor vehicle, if there was in effect at the time of the accident an automobile liability policy or bond with respect to the operation of motor vehicles not owned by him or her.

“(3) The operator or owner if the liability of the operator or owner for damages resulting from the accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond.

“(4) Any person qualifying as a self-insurer under Section 32-7-34, or to any person operating a motor vehicle for the self-insurer.

“No policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state unless the motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof. The policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon the policy or bond arising out of the accident provided, that every policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty thousand dollars (\$20,000) because of bodily injury to or death to one person in any one accident and

subject to the limit for one person, to a limit of not less than forty thousand dollars (\$40,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than ten thousand dollars (\$10,000) because of injury to or destruction of property of others in any one accident.

Section 2. Section 32-7-6A is added to the Code of Alabama 1975, as follows:

§32-7-6A.

(a) If, during a lawful arrest, a routine traffic stop, a vehicle equipment inspection, or in conjunction with the issuance of a traffic law citation, a law enforcement officer discovers that an owner or driver of a motor vehicle has failed to report an "accident" as defined in this article, failed to deposit security as required in this article, failed to file and maintain proof as required in this article, or otherwise violated this article, the officer shall, on behalf of the department, serve personally on the owner or operator immediate notice of suspension of the person's driver's license or driving privilege and vehicle registration tags.

(b) When the law enforcement officer serves the notice of suspension, the officer shall take possession of any driver's license issued by this state held by the owner or driver and all vehicle registration tags issued by this state and affixed to the person's motor vehicle. When the officer takes possession of a valid driver's license issued by this state or valid vehicle registration tags issued by this state, the officer, acting on behalf of the department, shall issue a temporary license or vehicle tag which is effective for 24 hours after its date of issuance.

(c) Any person who fails to furnish proof of future financial responsibility, unless otherwise excepted by law, shall be guilty of a Class C misdemeanor and fined one hundred fifty dollars (\$150). The fine shall be collected and paid in the manner provided by law and shall be distributed equally between the Department of Public Safety and the law enforcement agency which takes possession of the driver's license or vehicle license tags issued by this state. The department shall use its share of the fine to implement this act.

(d) The person who fails to furnish proof of future financial responsibility and violates this act shall, unless otherwise excepted by law, also pay an administration fee of twenty-five dollars (\$25) to the Department of Public Safety that shall be designated for use by the Department of Public Safety to implement this act.

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Section 3. Section 32-7-7 of the Code of Alabama 1975, is amended to read as follows:

“§32-7-7.

“The requirements as to security and suspension in section 32-7-6 shall not apply to any of the following persons:

“(1) ~~To the~~ The operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than ~~such~~ the operator or owner;.

“(2) ~~To the~~ The operator or the owner of a motor vehicle legally parked at the time of the accident;.

“(3) ~~To the~~ The owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating ~~such~~ the motor vehicle without ~~such~~ the permission; ~~not~~.

“(4) If, prior to the date that the director would otherwise suspend license and registration or nonresident’s operating privilege under section 32-7-6, there shall be filed with the director evidence satisfactory to him or her that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a duly acknowledged written agreement or conditional release providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident, which agreement or conditional release may properly include reasonable interest charges not to exceed three percent above the prime rate in effect at the time of the signing of the agreement or conditional release.”

Section 4. This act shall become effective January 1, 1998.

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Butler, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom

-21

Nays:

- 0

And said Bill, SB 78, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Butler, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -21

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Myers requested and received permission to suspend the Rules in order to bring up the Bill, SB 579, under the provisions of the Resolution, SR 120.

Senator Myers, B.I.R., SB 579, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Butler, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -21

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**SB 579.** To amend Section 33-4-48 of the Code of Alabama 1975, relating to compensation of pilots of ships and vessels; to increase certain pilotage drafts and compensation paid to pilots.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Butler, Figures, Freeman, Hale, Hill, Langford,

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Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders,  
Smith, Smitherman, Waggoner, and Windom -21

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Figures requested and received permission to suspend the Rules in order to bring up the Bill, SB 22, under the provisions of the Resolution, SR 120.

Senator Figures, B.I.R., SB 22, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Butler, Figures, Freeman, Hale, Hill, Langford,  
Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders,  
Smith, Smitherman, Waggoner, and Windom -21

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 22.** To provide for distinctive motor vehicle license plates for supporters of Alabama Foster Care Association or "The ARC," a national organization on mental retardation; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Butler, Figures, Freeman, Hale, Hill, Langford,  
Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders,  
Smith, Smitherman, Waggoner, and Windom -21

Nays: - 0



**BUDGET ISOLATION RESOLUTION**

Senator Hale requested and received permission to suspend the Rules in order to bring up the Bill, SB 249, under the provisions of the Resolution, SR 120.

Senator Hale, B.I.R., SB 249, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Butler, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -21

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 249.** To amend Section 13A-5-49 of the Code of Alabama 1975, relating to aggravating circumstances for the imposition of the death penalty; to provide that the intentional killing of two or more persons by one act or pursuant to one scheme or course of conduct is a capital offense; and to provide that a murder committed in a series of intentional killings committed by the defendant is a capital offense.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Butler, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -21

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Mitchem requested and received permission to suspend the Rules in order to bring up the Bill, SB 396, under the provisions of the Resolution, SR 120.

**24th Day - April 24, 1997**

Senator Mitchem, B.I.R., SB 396, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Butler, Figures, Freeman, Hale, Hill, Langford,  
Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders,  
Smith, Smitherman, Waggoner, and Windom -21

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 396.** Relating to policies of certain school boards; to require each local school board to establish a written reduction-in-force policy.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson,  
Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford,  
Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole,  
Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Smith requested and received permission to suspend the Rules in order to bring up the Bill, SB 512, under the provisions of the Resolution, SR 120.

Senator Smith, B.I.R., SB 512, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson,  
Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford,

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Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 512.** To amend Sections 17-16-25 and 17-16-50, Code of Alabama 1975, to make certain voter lists available to the county party chairpersons of each political party.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Davidson requested and received permission to suspend the Rules in order to bring up the Bill, SB 566, under the provisions of the Resolution, SR 120.

Senator Davidson, B.I.R., SB 566, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 566.** To amend Sections 27-42-5, 27-42-8, and 27-42-11, Code of Alabama 1975, relating to insurance and the Alabama Insurance Guaranty Association; to give the association the right to intervene in any suit in regard to an insolvent insurer; to limit coverage of the association for claimants with a net worth exceeding \$25,000,000; and to allow the association to recover claims paid to an insured whose net worth exceeds \$25,000,000 or paid to any person who is an affiliate of the insolvent insurer.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Steele requested and received permission to suspend the Rules in order to bring up the Bill, SB 329, under the provisions of the Resolution, SR 120.

Senator Steele, B.I.R., SB 329, adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 329.** To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays:

- 0

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 437.** To amend Section 34-21-2, Code of Alabama 1975, to increase the membership on the Alabama Board of Nursing and to provide for the appointment of a consumer member.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 462.** To consolidate into one office the Administrative Law

Judges or Hearing Officers; to provide for the appointment of a Chief Administrative Law Judge and administrative law judges; and to provide for qualifications, compensation, powers, and duties of the office and the positions.

PAT LINDSEY,  
Chairperson.

### **FURTHER CONSIDERATION OF SB 351**

Senator Mitchem requested and received permission to suspend the Rules in order that the Senate proceed to further consideration of the Bill, SB 351, under the provisions of the Resolution, SR 120, to-wit:

**SB 351.** To authorize the incorporation of Alabama Drinking Water Finance Authority; to provide for the powers, authority and duties of its board of directors; to create and establish a state drinking water revolving loan fund; to authorize the authority to receive federal grants, state appropriations, and other appropriations and contributions; to authorize the authority to make agreements with the United States of America and its agencies and departments respecting the receipt, use and application of federal grants and contributions; to provide that the Alabama Department of Environmental Management shall be the agent of the authority in connection with the said revolving loan fund and loans made by the authority and to confer upon said department full power and authority to take such actions as shall be necessary to cause the authority and the department to be and remain eligible for assistance from the United States of America with respect to grants available for safe drinking water; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of bonds and other securities, to be sold and issued and payable at such times and on such conditions as the directors may determine; to provide that all bonds and securities shall be payable solely from the sources specified in this act, including, without limitation, proceeds of bonds or other securities, amounts on deposit in the said revolving fund, federal grants, loan repayments and interest income; to authorize the authority to refund any bonds issued by it at such times, in such amounts and on such terms as the directors shall determine; to authorize the authority to obtain such credit enhancement in connection with any borrowing as the directors may determine to be advantageous; to authorize the authority to make loans to certain public bodies in the state and to determine the conditions on which such loans are to be made; to authorize the authority to enforce the provisions of such loan and to authorize each public body which is the recipient of any such loan to make all agreements as a condition precedent to such loan as may be required by the authority, the Alabama Department of Environmental Man-

agement or federal law; to authorize the authority to invest the proceeds of bonds or other securities, amounts on deposit in the said revolving loan fund, amounts appropriated or contributed to the authority or the Alabama Department of Environmental Management, by the state or the United States of America or any public body receiving a loan; to authorize the authority to appoint and engage one or more banks to receive, invest and disburse, as specified by the authority, all amounts on deposit in the said revolving loan fund and other funds received by the authority from any source; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision.

having been postponed on the Nineteenth Legislative Day.

Senator Lindsey offered the following amendment to the Bill, SB 351, to-wit:

**AMENDMENT TO SB 351**

On page 8, on line 29, after the language "other funds." insert the following:

"The department shall adopt the same criteria used by federal authorities to evaluate projects. The department shall use this criteria to rank projects of public bodies applying for loans. The department shall prioritize the granting of loans to public bodies for eligible projects based on this ranking."

On page 9, on line 28, after "the governor." insert:

"The loan interest rate shall be two percent less than the prevailing interest rate. The 20-year Bond Buyer Index (BBI) shall be used as the benchmark."

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford,

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Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays: - 0

And said Bill, SB 351, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-31

Nays: - 0

**BILL RECONSIDERED**

On motion of Senator Little, the Senate reconsidered the vote by which the Bill, SB 512, was passed.

On motion of Senator Little, the Senate reconsidered the vote by which the Bill, SB 512, was ordered to its third reading.

Senator Little then offered the following amendment to the Bill, SB 512, to-wit:

**AMENDMENT TO SB 512**

Amend SB 512 on page 3, line 6 by deleting the following language:

“may prepare a list of the voters based on the voter registration lists and”

Further amend SB 512 on page 3, line 8 after “records” by deleting the period “.” and inserting the following new punctuation and language:

“, except that, upon request made prior to the expiration of the time for contesting an election, county”

Further amend SB 512 on page 3, line 8 by deleting “County”



Further amend SB 512 on page 3, line 9 by deleting the words "voter registration lists" and inserting the following in lieu thereof:

"the sealed records"

Which was adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

And said Bill, SB 512, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

### **BILL RECONSIDERED**

On motion of Senator Steele, the Senate reconsidered the vote by which the Bill, SB 329, was passed.

On motion of Senator Steele, the Senate reconsidered the vote by which the Bill, SB 329, was ordered to its third reading.

Senator Steele then offered the following substitute for the Bill, SB 329, to-wit:

### **SUBSTITUTE FOR SB 329**

#### **A BILL TO BE ENTITLED AN ACT**

To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-

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13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, are amended to read as follows:

“§8-8-15.

“(a) Any lender of money, extender of other credit, or merchant making a sale of merchandise, goods, or services, or the assignee of ~~such~~ the lender, extender of credit, or merchant who receives a check, draft, negotiable order of withdrawal, or like instrument drawn on a bank or other depository institution given by any person in full or partial repayment of a loan, other extension of credit, or a sale of merchandise, goods, or services may, if ~~such~~ the instrument is not paid or is dishonored by ~~such~~ the institution, charge and collect, through regular billing procedure or otherwise, from the borrower, person to whom the credit was extended, or from whom the instrument was received, a bad check charge of not more than the greater of either ~~\$20~~ twenty-five dollars (\$25) or an amount equal to the actual charge by the depository institution for the return of unpaid or dishonored instruments.

“(b) Commencing January 1, 1999, the bad check charge in subsection (a) shall increase by one dollar (\$1) per year through January 1, 2003, at which time the maximum bad check charge shall be thirty dollars (\$30).

“Charges imposed in connection with the dishonor of a negotiable instrument shall not be deemed interest finance or other charge made as an incident to or as a condition to the grant of the loan or other extension of credit and shall not be included in determining the limit on charges which may be made in connection with the loan or extension of credit as provided in this section or in any other law of this state.”

“§12-17-224.

“(a) Each district attorney is ~~hereby authorized and empowered to~~ may establish in his discretion, a special services division of ~~his office~~ which shall be under his the direction and control of the district attorney, and shall be organized for the following uses and purposes:

“(1) A section of the special services division of each ~~such~~ district attorney’s office may be organized as a worthless check unit. Each district

attorney who elects to establish ~~said the~~ unit shall assign sufficient staff and resources to effectively operate ~~said the~~ unit. The worthless check unit of the special services division of the district attorney's office shall be created for the purpose of processing worthless checks.

"(2) Procedures:

"a. Complaint referrals. -- After following the requisites of Section 13A-9-13.1, any party holding a worthless negotiable instrument may present a "complaint" to the worthless check unit of the special services division of the district attorney's office. Upon receipt of ~~such the~~ complaint, ~~said the~~ complaint shall be evaluated by the worthless check unit, under the direction of the district attorney, to determine whether or not ~~said the~~ complaint is appropriate to be processed by the worthless check unit.

"1. Guidelines to be used in the determination of whether a complaint has been appropriately filed may include, but are not limited to, the following:

"(i) The amount of the check as recited in the complaint;

"(ii) Whether the defendant has a prior criminal record of violations involving issuing worthless checks;

"(iii) The number of checks previously received by the district attorney on this particular defendant;

"(iv) Whether the defendant has any worthless check charges pending; ~~and,~~

"(v) The strength of the evidence of intent to defraud the victim.

"2. Complaint withdrawals. -- If after filing a "complaint" with the worthless check unit the victim wishes to withdraw the complaint for good cause, the victim shall satisfy the service charge of ~~\$30.00~~ thirty dollars (\$30) to the worthless check unit for processing ~~said the~~ complaint.

"b. Notice. -- After approval of the complaint, a warrant may be issued by an appropriate warrant magistrate, and the warrant may be held by the worthless check unit. After issuance of a warrant or upon approval of a complaint by the worthless check unit, the unit shall notify the individual charged with violating Section 13A-9-13.1 by issuing a notice to ~~such the~~ individual that a warrant has been issued for ~~his~~ arrest or that a complaint has been received by the worthless check unit. ~~Said The~~ notice may be sent by mail. ~~Such The~~ notice shall inform ~~said the~~ accused that he

or she may be eligible for deferred prosecution for violation of Section 13A-9-13.1 by voluntarily surrendering himself to the worthless check unit within 10 business days from the date of the notice.

“c. Voluntary surrender. -- Upon voluntary surrender, the accused may be presented with the warrant or complaint and prosecution of same may be deferred upon payment of restitution and the service charge for processing the check, to the worthless check unit. Upon election by the worthless check unit, the accused may sign a restitution agreement which shall contain the terms by which the restitution and the service charge may be paid.

“d. Nonsurrender. -- If, after receiving said the notice, the accused shall not voluntarily surrender himself to the worthless check unit within the 10 business days prescribed in said the notice, said the violation shall be prosecuted in accordance with applicable laws and procedures.

“e. Fees and restitution.

“1. Definitions.

“(i) Fees. -- The worthless check unit of the special services division of the district attorney’s office may charge a service charge in the stated amount in the following circumstances:

“I. In those cases where the accused has been notified by mail that a warrant has been issued and same may be criminally prosecuted unless he the accused voluntarily surrenders himself to the worthless check unit within 10 business days from the date of said the notice, and if such an accused voluntarily surrenders himself pursuant to said the notice within ~~the afore-~~ said 10 business days, the worthless check unit may collect the sum of ~~\$40.00~~ forty dollars (\$40) from the accused as a service charge for processing said the check. This service charge shall be increased in the same dollar amount as the court cost charged by the district court of said the judicial circuit for violations of Section 13A-9-13.1 when said the court cost shall be increased.

“II. In those cases when the accused does not appear within 10 business days from the date of the notice issued to the accused, or if no restitution agreement is made, or if the accused does not comply with the restitution agreement, the case may be prosecuted in accordance with applicable laws and procedures. Upon appearance of said the accused in the district or circuit court of said the judicial circuit or the equivalent thereof and upon a finding of guilt or a plea of guilty, the court shall order the accused to satisfy an additional service charge equal to 85% of the court

cost levied by the court for ~~said the~~ offense. This amount shall not be in lieu of, but shall be in addition to, court costs assessed by the district or circuit court for ~~said the~~ violation. Further, ~~said the~~ service charge is to be paid to the General Fund of the county to be disbursed pursuant to this section and shall not decrease any amounts allotted to any county or state agency from the court costs collected by the district or circuit court.

“(ii) Restitution. -- Restitution shall be defined as the face amount of any negotiable instrument, (in the event of the issuance of a forged or altered instrument, restitution shall be in the amount to which the instrument was changed or altered), plus any amounts the victim may have been required to pay to a bank as a result of having attempted to process the worthless instrument and the service charge ~~of not more than \$20.00~~ authorized by Sections 13A-9-13.1 through 13A-9-13.3 for the holder of a worthless check.

“I. Upon filing a complaint with the worthless check unit, the victim waives the right to collect restitution directly from the defendant.

“II. Restitution agreements. -- After an accused has been sent notification by mail of the warrant issued for his arrest and upon voluntarily surrendering himself to the worthless check unit, the worthless check unit may enter into a restitution agreement with the accused as to the terms by which the accused shall satisfy restitution and fees to the worthless check unit. The terms of ~~said the~~ restitution agreements shall be determined on a case by case basis by the worthless check unit, but the duration of any ~~said~~ agreement shall be no longer than a period of six months. No interest may be charged or collected on either restitution or fees charged. ~~Said The~~ restitution agreement shall be signed by the accused and ~~must shall~~ be ratified by the worthless check unit before it is effective. If the accused does not honor each term of the signed restitution agreement ~~signed by him~~, the district attorney's office may proceed with the prosecution of the accused as provided by law.

“2. Collection and distribution.

“(i) Restitution.-- Restitution shall be collected by the worthless check unit and deposited into an account maintained solely for ~~such that~~ purpose. The worthless check unit shall, after a reasonable time for accounting and bookkeeping purposes, disburse to the victim all restitution collected with regard to the original complaint filed.

“(ii) If the victim cannot be located after a reasonable time and ~~upon diligent efforts to locate same~~, the restitution due ~~said the~~ victim shall be deposited into the worthless check fund as herein provided.

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“(iii) Fees.-- All fees or charges, other than court costs, collected by the worthless check unit in accordance with this section shall be paid to the county treasurer of ~~said the~~ county in a fund to be known as the worthless check fund. Sixty-five percent of funds collected pursuant to subsection (a)(2)e1(i)I of this section shall be used and expended by the district attorney to defray the reasonable expenses incurred by the office of the district attorney. The district attorney ~~is hereby authorized to~~ may requisition and expend these funds for those purposes. The treasurer of the county shall make disbursements of ~~said the~~ funds upon requisition of the district attorney. Provided further, this paragraph shall not reduce the amount payable to the district attorney under any local act, specifically Act No. 83-483. Thirty-five percent of ~~said the~~ funds shall be used by the county for the reasonable expenses incurred in the administration of ~~said the~~ program. All of the funds collected pursuant to subsections (a)(2)e1(i)II and (a)(2)e1(ii) shall be deposited in the general fund of the county and shall be expended only for the reasonable and necessary expenses of law enforcement.

“(b) This section shall in no way prohibit or preclude the office of the district attorney from proceeding with the prosecution of any violation of Section 13A-9-13.1 as provided by applicable law and procedures heretofore enacted.”

“§13A-9-13.1.

“(a) A person commits the crime of negotiating a worthless negotiable instrument if ~~he the person~~ negotiates or delivers a negotiable instrument for a thing of value and with the intent, knowledge, or expectation that it will not be honored by the drawee.

“(b) For the purposes of this section, it is prima facie evidence that the maker or drawer intended, knew, or expected that the instrument would not be honored if in any of the following instances:

“(1) The maker or drawer had no ~~such~~ account with the drawee at the time the negotiable instrument was negotiated or delivered, as determined according to Section 7-3-503(2); ~~or,~~

“(2) Payment was refused by the drawee for lack of funds, upon presentation within 30 days after delivery, and the maker or drawer shall not have paid the holder thereof the amount due thereon, together with a service charge of not more than \$20.00 \_\_\_\_\_ (fill in appropriate amount as provided by law), within 10 days after receiving written notice from the holder of the instrument that payment was refused upon ~~such the~~ instrument, as provided in Section 13A-9-13.2; ~~or,~~

“(3) Notice that payment was refused is mailed by certified or registered mail and is returned undelivered to the sender, when ~~such the~~ notice is mailed within a reasonable time after dishonor to the address printed on the instrument or given by the maker or drawer at the time of issuance of the instrument.

“(c) Negotiating a worthless negotiable instrument is a Class A misdemeanor.

“(d) The definition of “negotiable instrument” in Section 7-3-104 applies to this section and Sections 13A-9-13.2 and 13A-9-13.3.

“(e) The definition of “negotiation” in Section 7-3-202 applies to this section and Sections 13A-9-13.2 and 13A-9-13.3.

“(f) The definition of “delivery” in Section 7-1-201(14) applies to this section and sections 13A-9-13.2 and 13A-9-13.3.”

“§13A-9-13.2.

“For purposes of Section 13A-9-13.1:

“(1) Notice mailed by certified or registered mail, evidenced by return receipt, to the address printed on the instrument or given at the time of issuance shall be deemed sufficient and equivalent to notice having been received by the person making, drawing, uttering, or delivering ~~said the~~ instrument.

“(2) The form of notice shall be substantially as follows:

“ ”This statutory notice is provided pursuant to Section 13A-9-13.2 of the Alabama Code. You are hereby notified that a check or instrument numbered \_\_\_\_\_, apparently issued by you on \_\_\_\_\_ (date), drawn upon \_\_\_\_\_ (name of bank), and payable to \_\_\_\_\_, has been dishonored. Pursuant to Alabama law, you have 10 days from receipt of this notice to tender payment of the full amount of such check or instrument plus a service charge of not more than \$20.00 \_\_\_\_\_ (fill in appropriate amount as provided by law), the total amount due being \$ \_\_\_\_\_. Unless this amount is paid in full within the specified time above, the holder of ~~such the~~ check or instrument may assume that you delivered the instrument with intent to defraud and may turn over the dishonored instrument and all other available information relating to this incident to the proper authorities for criminal prosecution.”

“(3) Any party holding a worthless negotiable instrument and giv-

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ing notice in substantially similar form to that provided in subdivision (2) of this section shall be immune from civil or criminal liability for the giving of ~~such~~ the notice and for proceeding under the forms of ~~such~~ the notice.”

Section 2. This act shall become effective January 1, 1998.

Which was adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

And said Bill, SB 329, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

## **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 78.** To amend Sections 32-7-2, 32-7-6, and 32-7-7, Code of Alabama 1975, relating to the Motor Vehicle Safety Act requirements of proof of financial responsibility; to provide for a new section designated as Section 32-7-6A providing further for future financial responsibility satisfactory to the Director of the Department of Public Safety for liability for



accidents arising out of the ownership, maintenance, and use of a motor vehicle subject to registration; to provide for notification to the director of the cancellation or termination of the insurance policy; to provide for the confiscation of a person's motor vehicle license tags and driver's license and a fine therefor and the distribution of the fine; to provide for certain exceptions and conditional releases for the payment of claims; to provide the conditions under which interest is paid on payments of claims; to provide for the levy of an administrative fee; and to provide for penalties and civil procedures.

PAT LINDSEY,  
Chairperson.

### BUDGET ISOLATION RESOLUTION

Senator Poole requested and received permission to suspend the Rules in order to bring up the Bill, SB 630, under the provisions of the Resolution, SR 120.

Senator Poole, B.I.R., SB 630, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 630.** To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, David-

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son, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Bedford requested and received permission to suspend the Rules in order to bring up the Bill, SB 484, under the provisions of the Resolution, SR 120.

Senator Bedford, B.I.R., SB 484, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 484.** To provide for the display of the United States Constitution, the Declaration of Independence, and the Ten Commandments in courtrooms.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays: - 0

Senator Bedford moved that the Senate reconsider the vote by which the Bill, SB 484, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### **BUDGET ISOLATION RESOLUTION**

Senator Windom requested and received permission to suspend the Rules in order to bring up the Bill, SB 447, under the provisions of the Resolution, SR 120.

Senator Windom, B.I.R., SB 447, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 447.** Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to require certain disclosures and other requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and other persons with obligations to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; and to provide an aggrieved party a hearing process and restitution.

was taken up.

The Standing Committee on Judiciary reported the following substitute, as amended, for the Bill, SB 447, to-wit:

**SUBSTITUTE, AS AMENDED, FOR SB 447**

A BILL  
TO BE ENTITLED  
AN ACT

Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to provide requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and other persons with obligations to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; and to provide an aggrieved party a hearing process and restitution.

On motion of Senator Windom, said substitute, as amended, was laid on the table.

Senator Windom then offered the following substitute, for the Bill, SB 447, to-wit:

**SUBSTITUTE FOR SB 447**

A BILL  
TO BE ENTITLED  
AN ACT

Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to provide requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and other persons with obligations to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; to provide an aggrieved party a hearing process and restitution; and to provide for an appropriation to the State Insur-

ance Department from the Service Contract Revolving Fund for the fiscal year ending September 30, 1998.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Purpose.

(a) The purpose of this act is to create a framework to regulate service contracts sold to consumers in this state.

(b) The following are exempt from Section 2 to Section 13, inclusive, of this act:

(1) Warranties.

(2) Maintenance agreements.

(3) Warranties, service contracts, or maintenance agreements offered by electric, gas, water, or telephone utilities on their transmission devices.

(4) Service contracts sold or offered for sale in commercial transactions.

(5) Service contracts sold or offered for sale to persons other than consumers.

(6) Service contracts sold at the point of sale, or within 60 days of the original purchase date of the property, which cover tangible property where the tangible property for which the service contract is sold, has a purchase price of two hundred and fifty dollars (\$250) or less, exclusive of sales tax.

(c) Manufacturer's service contracts on the manufacturer's products and service contracts sold or offered for sale by Alabama electric cooperatives, and their subsidiaries and affiliates, including without limitation, affiliates managed or controlled by electric cooperatives, are required to comply only with Section 3(a), Section 3(e), Section 5(a), Sections 5(d) to 5(n), inclusive, Section 6, Section 10(a), and Sections 10(c) to 10(f), inclusive, as applicable, of this act.

(d) The types of agreements referred to in subsections (b) and (c) are not insurance for any purpose including, without limitation, compliance with the Alabama Insurance Code.

Section 2. Definitions. As used in this act, the following terms shall have the following meanings:

(1) ADMINISTRATOR. The person designated by a provider to be responsible for the administration of service contracts or the service contracts plan or to make the filings required by this act.

(2) COMMISSIONER. The Commissioner of Insurance of this state.

(3) CONSUMER. A natural person who buys, primarily for personal, family, or household purposes, and not for resale, any tangible personal property normally used for personal, family, or household purposes and not for commercial or research purposes.

(4) MAINTENANCE AGREEMENT. A contract of limited duration that provides for scheduled maintenance only.

(5) MANUFACTURER. A person that is one of the following:

a. A manufacturer or producer of property that sells the property under its own name or label.

b. A subsidiary of the person who manufactures or produces the property.

c. A corporation which owns at least 80 percent of the person who manufactures or produces the property.

d. A person who manufactures or produces the property even though the property is sold under the trade name or label of another person.

(6) MECHANICAL BREAKDOWN INSURANCE. For purposes of this act, a policy, contract, or agreement issued by an authorized insurance company directly to a consumer or other owner of property that provides for, among other coverages, the repair, replacement, or maintenance of property or indemnification for repair, replacement, or maintenance, for the operational or structural failure of the property due to a defect in materials or workmanship or due to normal wear and tear.

(7) NON-ORIGINAL MANUFACTURER'S PARTS. Replacement parts not made for or by the original manufacturer of the property, commonly referred to as "after market parts."

(8) PERSON. An individual, partnership, corporation, incorpo-

rated or unincorporated association, joint stock company, reciprocal, syndicate, or any other entity, or combination of persons acting in concert.

(9) PREMIUM. The consideration paid to an insurer for a reimbursement insurance policy.

(10) PROVIDER. A person who administers, makes, provides, sells, or offers to sell a service contract, who is contractually obligated to provide service under a service contract.

(11) PROVIDER FEE. The total purchase price paid for a service contract. In cases where a reimbursement insurance policy is issued to a provider, the "provider fee" is the total purchase price paid for a service contract net of the premium.

(12) REIMBURSEMENT INSURANCE POLICY. A policy of insurance issued to a provider pursuant to which the insurer agrees, for the benefit of the service contract holders, to discharge the obligations of the provider under the terms of the service contracts in the event of non-performance by the provider.

(13) SERVICE CONTRACT. A contract or agreement for a separately stated consideration for a specific duration to perform the repair, replacement, or maintenance of property or indemnification for repair, replacement, or maintenance, for the operational or structural failure due to a defect in materials or workmanship, or normal wear and tear, with or without additional provision for incidental payment or indemnity under limited circumstances, for related expenses, including, but not limited to, towing, rental, and emergency road service. Service contracts may provide for the repair, replacement or maintenance of property for damage resulting from power surges and accidental damage from handling. "Service contract" does not include warranties, mechanical breakdown insurance or maintenance agreements. A service contract is not insurance for any purpose, including, but not limited to, compliance with the Alabama Insurance Code, other than for the purpose of a service contract holder's claim against a service contract provider for failure to comply with the provisions of the service contract if so provided by other law.

(14) SERVICE CONTRACT HOLDER OR CONTRACT HOLDER. A person who is the purchaser or holder of a service contract.

(15) WARRANTY. A warranty made by the manufacturer, importer, distributor, or seller of property or services without consideration stated separately from the price of the property or services sold, that is not negotiated separate from the sale of the product and is incidental to the sale

of the product, that guarantees repair or replacement, or indemnity for repair or replacement, for defective parts, mechanical or electrical breakdown, labor or other remedial measures, such as repair or replacement of the property or repetition of services.

Section 3. Requirements For Selling or Offering to Sell Service Contracts.

(a) Either the provider or its designee shall:

(1) Provide a receipt for, or other written evidence of, the purchase of the service contract to the contract holder.

(2) Provide a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase.

(b) A provider may, but is not required to, appoint an administrator or other designee to be responsible for any or all of the administration of service contracts and compliance with this act.

(c) Each provider of service contracts sold in this state shall file a registration with the commissioner on a form prescribed by the commissioner. Each provider shall pay to the commissioner a fee in the amount of two hundred dollars (\$200) annually. All fees collected shall be paid into a special revolving fund to be set up by the State Treasurer referred to as the "service contract revolving fund." The service contract revolving fund shall be used in the supervision and examination of providers and otherwise in the administration of this act; provided however, that nothing in this section shall be construed to mean that all of the expenses of supervision and examination of providers and in the administration of this act incurred by the State Insurance Department shall come from the service contract revolving fund.

(d) All funds now or hereafter deposited in the State Treasury to the credit of the Service Contract Revolving Fund shall not be expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Sections 41-4-80 to 41-4-98, inclusive, and 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only in the amounts and for the purposes provided by the Legislature in the general appropriation bill, other appropriations bills or this act.

(e) There is hereby appropriated for the fiscal year ending September 30, 1998, from the Service Contract Revolving Fund to the State Department of Insurance those amounts as deemed necessary to carry out the provisions of this act as determined by the Commissioner of Insurance.



(f) In order to assure the faithful performance of a provider's obligations to its service contract holders, each provider shall be responsible for complying with the requirements of one of the following subdivisions:

(1) Insure all service contracts under a reimbursement insurance policy issued by an insurer authorized to transact insurance in this state or issued pursuant to Chapter 10, Title 27 of the Code of Alabama 1975.

(2) Do both of the following:

a. Maintain a funded reserve account for its obligations under its service contracts sold and outstanding in this state. The reserves shall be based on the loss experience of the provider as certified by an actuary or, at the election of the provider, the reserves shall be 30 percent of the aggregate provider fees for all service contracts sold and then in force. The reserve account shall be subject to examination and review by the commissioner.

b. Place in trust with the commissioner a financial security deposit, having a value of not less than five percent of the aggregate provider fees, less claims paid, for all service contracts sold and then in force, but not less than twenty-five thousand dollars (\$25,000) consisting of one of the following:

(i) A surety bond issued by an authorized surety.

(ii) Securities of the type eligible for deposit by authorized insurers in this state.

(iii) Cash.

(iv) A letter of credit issued by a qualified financial institution.

(v) Another form of security prescribed by regulations issued by the commissioner.

(3) Do both of the following:

a. Maintain a net worth or stockholders' equity of one hundred million dollars (\$100,000,000).

b. Upon request, provide the commissioner with a copy of the financial statement of the provider included in its most recent annual report on Form 10-K or Form 20-F filed with the Securities and Exchange Commission (SEC) within the last calendar year, or if the provider does not file with the SEC, a copy of the audited financial statements of the provider,

which shows a net worth of the provider of at least one hundred million dollars (\$100,000,000). A consolidated Form 10-K, Form 20-F or audited financial statements shall meet the requirements of this act for the provider if it shows a net worth or stockholders' equity of the provider of at least one hundred million dollars (\$100,000,000) and there shall be no requirement of a parent company guarantee, reimbursement insurance, or other form of financial stability requirement. However, if the Form 10-K, Form 20-F or audited financial statements of the parent company of the provider are filed to meet the provider's financial stability requirement because the provider's net worth or stockholders' equity of the provider is not at least one hundred million dollars (\$100,000,000), or because the net worth or stockholders' equity is not determinable from the consolidated Form 10-K, Form 20-F or audited financial statements of the parent company, then the parent company shall agree to guarantee the obligations of the provider relating to service contracts sold by the provider in this state.

(g) Service contracts shall require the provider to permit the service contract holder to return the service contract within no less than 20 days of the date the service contract was mailed to the service contract holder or within no less than 10 days of delivery if the service contract is delivered to the service contract holder at the time of sale. Upon return of the service contract to the provider within the applicable time period, if no claim has been made under the service contract prior to its return to the provider, the service contract is void and the provider shall refund to the service contract holder the full purchase price of the service contract including any premium paid for any applicable reimbursement insurance policy. Any refund due a service contract holder may be credited to any outstanding balance of the account of the service contract holder, and the excess, if any, shall be refunded to the service contract holder. The right to void the service contract provided in this subsection (g) is not transferable and shall apply only to the original service contract purchaser, and only if no claim has been made prior to its return to the provider. A 10 percent penalty per month shall be added to a refund that is not paid or credited within 45 days after return of the service contract to the provider.

(h) In the event the original service contract holder makes a written demand for cancellation of a service contract pursuant to the terms of the service contract, the provider shall refund to the service contract holder the unearned portion of the full purchase price of the service contract including the unearned portion of any premium paid for any applicable reimbursement insurance policy. Any refund due a service contract holder may be credited to any outstanding balance of the account of the service contract holder, and the excess, if any, shall be refunded to the service contract holder. If the original contract purchaser or a contract holder elects cancellation, the provider may retain an administrative fee of up to twenty-five dollars

(\$25) for issuance of the service contract if such fee is provided for in the service contract; however, this amount may not be deducted in the event the service contract is terminated pursuant to the provisions of Section 3(g).

(i) Premium Taxes.

(1) Provider fees are not subject to premium taxes.

(2) Premiums for reimbursement insurance policies are subject to applicable taxes.

(j) Except for the registration requirement in Section 3(c), providers, administrators, and other persons marketing, selling, or offering to sell service contracts for providers are exempt from any licensing requirements of this state.

(k) Providers are not required to comply with any provision of Title 27 of the Code of Alabama 1975.

Section 4. Required Provisions, Reimbursement Insurance Policy. Reimbursement insurance policies insuring service contracts sold in this state shall provide that, upon failure of the provider to perform under the service contract, including, without limitation, failure to refund or credit the unearned portion of the purchase price of the service contract to the extent required by this act, the insurer that issued the reimbursement insurance policy shall pay on behalf of the provider any sums the provider is legally obligated to pay to a service contract holder, or shall provide the service which the provider is legally obligated to perform, according to the provider's contractual obligations under the service contracts sold by the provider. The reimbursement insurance company shall be responsible to refund only the unearned premium net of the unearned provider fee, and the provider shall be responsible for refunding or crediting the unearned provider fee in excess of the unearned premium. If the provider fails to refund or credit any portion of the unearned provider fee required to be refunded or credited by this act, the reimbursement insurance company shall be responsible for the entire refund of the unearned premium and unearned provider fee. The amount of the reserve relative to the unearned provider fee to be maintained by the reimbursement insurance company shall be based on the loss experience of the reimbursement insurance company as certified by an actuary.

Section 5. Required Provisions, Service Contracts.

(a) Service contracts sold or offered for sale in this state, in their entirety, shall be written, printed, or typed in eight point type size, or larger,

and shall comply with the requirements set forth in this section, as applicable.

(b) Service contracts insured under a reimbursement insurance policy pursuant to subdivision (1) of subsection (f) of Section 3 shall contain a statement in substantially the following form:

“Obligations of the provider under this service contract are guaranteed under a service contract reimbursement insurance policy.”

If the provider fails to pay or to provide service on a claim within 60 days after proof of loss has been filed, the service contract holder is entitled to make a claim directly against the reimbursement insurance company. The service contract shall state the name and address of the reimbursement insurance company.

(c) Service contracts not insured under a reimbursement insurance policy pursuant to subdivision (1) of subsection (f) of Section 3 shall contain a statement in substantially the following form:

“Obligations of the provider under this service contract are backed by the full faith and credit of the provider.”

(d) Service contracts shall state the name and address of the provider, and shall identify any administrator, the service contract seller, and the service contract holder to the extent that the name and address of the service contract holder has been furnished by the service contract holder. Neither the name of the service contract seller nor other provisions are required to be preprinted on the service contract and may be added to the service contract at the time of sale.

(e) Service contracts shall state the purchase price of the service contract, the term of the service contract and any applicable renewal provisions. Neither the purchase price nor any other provisions are required to be pre-printed on the service contract and may be negotiated at the time of sale with the service contract holder.

(f) If the provider will reimburse the contract holder for repair work performed by third parties and if prior approval of repair work is required, (i) the service contract shall state the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service and (ii) if the service contract provides services essential to public health, safety, or welfare, the service contract shall either provide for 24-hour telephone assistance, or state the procedure for obtaining emergency repairs performed outside of normal business hours.

(g) Service contracts shall state the existence of any deductible amount.

(h) Service contracts shall describe the property upon which the services are to be provided, the services to be provided and any limitations, exceptions, or exclusions to the services to be provided.

(i) Service contracts shall state whether the use of non-original manufacturer's parts is allowed.

(j) Service contracts shall state any restrictions governing the transferability of the service contract.

(k) Service contracts shall state the terms, restrictions, or conditions governing cancellation of the service contract prior to the termination or expiration date of the service contract by either the provider or by the service contract holder. The provider of the service contract shall mail a written notice to the service contract holder at the last known address of the service contract holder contained in the records of the provider at least five days prior to cancellation by the provider. Prior notice is not required if the reason for cancellation is nonpayment of the provider fee or a material misrepresentation by the service contract holder to the provider relating to the covered property or its use. The notice shall state the effective date of the cancellation and the reason for the cancellation.

(l) Service contracts shall set forth the obligations and duties of the service contract holder relating to the property covered by the service contract.

(m) Service contracts shall state whether or not the service contract provides for or excludes consequential damages or preexisting conditions, to the extent applicable.

(n) Service contracts may contain other provisions as determined by the provider.

#### Section 6. Prohibited Acts.

(a) A provider shall not use in its name the words insurance, casualty, surety, mutual, or any other words descriptive of the insurance, casualty, or surety business; or a name deceptively similar to the name or description of any insurance or surety corporation, or to the name of any other provider. The word "guaranty" or similar word may be used by a provider. This section shall not apply to a company that was using any of the prohibited language in its name prior to the effective date of this act. However, a

company using the prohibited language in its name shall include in its service contracts a statement in substantially the following form: "This agreement is not an insurance contract."

(b) A person, such as a bank, savings and loan association, lending institution, manufacturer, or seller of any product, shall not require the purchase of a service contract as a condition of a loan or a condition for the sale of any property.

Section 7. Record Keeping Requirements.

(a) Books and Records:

(1) The provider shall keep accurate accounts, books, and records concerning transactions regulated under this act.

(2) The provider's accounts, books, and records shall include the following:

a. Copies of each type of service contract sold.

b. The name and address of each service contract holder to the extent that the name and address have been furnished by the service contract holder.

c. A list of the locations where service contracts are marketed, sold, or offered for sale.

d. Recorded claims files which shall contain at least the dates, amounts, and description of all receipts, claims, and expenditures related to the service contracts.

(3) The provider shall retain all records required to be maintained by this subsection (a) for at least three years after the specified period of coverage has expired.

(4) The records required under this act may be, but are not required to be, maintained on a computer disk or other record keeping technology. If the records are maintained in other than hard copy, the records shall be capable of duplication to legible hard copy at the request of the commissioner.

(b) A provider discontinuing business in this state shall maintain its records until it furnishes the commissioner satisfactory proof that it has discharged all obligations to service contract holders in this state.

Section 8. Cancellation of Reimbursement Insurance Policy. To the extent applicable, an insurer that issued a reimbursement insurance policy shall not terminate the policy until a notice of termination in accordance with Chapter 40 of Title 27 of the Code of Alabama 1975, has been mailed or delivered to the commissioner. The termination of a reimbursement insurance policy shall not reduce the issuer's responsibility for service contracts sold by providers which it insured prior to the date of the termination.

Section 9. Obligation of Reimbursement Insurance Policy Insurers.

(a) Where reimbursement insurance is applicable, providers are considered to be the agent of the insurer which issued the reimbursement insurance policy solely for purposes of obligating the insurers to service contract holders in accordance with the service contract and this act. In cases where a provider is acting as an administrator and enlists other providers, the provider acting as the administrator shall notify the insurer of the existence and identities of the other providers.

(b) This act shall not prevent or limit the right of an insurer which issued a reimbursement insurance policy to seek indemnification or subrogation against a provider if the insurer pays or is obligated to pay the service contract holder sums that the provider was obligated to pay pursuant to the provisions of the service contract.

Section 10. Enforcement Provisions.

(a) The commissioner may conduct investigations or examinations of providers, administrators, insurers, or other persons to enforce this act and protect service contract holders in this state. Upon request of the commissioner, the provider shall make all accounts, books, and records concerning service contracts sold in this state by the provider available to the commissioner which are necessary to enable the commissioner to reasonably determine compliance or noncompliance with this act.

(b) Providers, administrators, or insurers being examined shall pay to the commissioner the travel expense to and from such examination, a living expense allowance at reasonable rates customary for the examination in the state where the examination takes place and as established or adopted by regulation of the commissioner, and the compensation of the examiners making the examination, upon presentation by the commissioner of a detailed account of the allowances and expenses. The account may be presented periodically during the course of the examination or at the termination of the examination, as the commissioner deems proper. All payments collected by the commissioner shall be paid into the special fund provided

by Section 3(c) of this act and used to pay the cost of the examination of providers.

(c) The commissioner may take action which is necessary or appropriate to enforce this act and the commissioner's regulations and orders, and to protect service contract holders in this state.

(d) If a provider has violated this act or the commissioner's regulations or orders, the commissioner may issue an order directed to that provider (i) to cease and desist from committing violations of this act or the commissioner's regulations or orders; (ii) prohibiting that provider from selling or offering for sale service contracts in violation of this act; or (iii) imposing a civil penalty on that provider; or (iv) any combination of the foregoing, as applicable.

(1) A person aggrieved by an order issued under this subsection (d) may request a hearing before the commissioner. The hearing request shall be filed with the commissioner within 20 days of the date the commissioner's order is effective.

(2) If a hearing is requested, pending the hearing and the decision by the commissioner, the effective date of the order automatically shall be suspended until completion of the hearing and final decision of the commissioner.

(3) At the hearing, the burden shall be on the commissioner to show why the order issued pursuant to this subsection is justified. The provisions of Sections 27-2-30, 27-2-31, and 27-2-32 shall apply to a hearing requested under this subsection (d).

(e) The commissioner may bring an action in the Circuit Court of Montgomery County, Alabama, for an injunction or other appropriate relief to enjoin threatened or existing violations of this act or of the commissioner's orders or regulations. An action filed under this section also may seek restitution on behalf of persons aggrieved by a violation of this act or orders or regulations of the commissioner.

(f) A person who is found to have violated this act may be ordered to pay to the commissioner a civil penalty in an amount determined by the commissioner of not more than five hundred dollars (\$500) per violation and no more than ten thousand dollars (\$10,000) in the aggregate for all violations of a similar nature. For purposes of this section, violations shall be of a similar nature if the violation consists of the same or similar course of conduct, action, or practice, irrespective of the number of times the act, conduct, or practice which is determined to be a violation of this act oc-



curred. All civil penalties collected shall be paid into the special fund provided by Section 3(c) of this act and used in the supervision and examination of providers and otherwise in the administration of this act.

Section 11. Rules and Regulations. The commissioner may promulgate reasonable rules and regulations necessary to implement this act.

Section 12. The provisions of this act are severable. It hereby is declared to be the intent of the Legislature that if any part of this act, including, without limitation, any section, subsection, or subpart, or the application thereof to any person or circumstance is declared invalid or unconstitutional, that declaration shall not affect the part which remains or the application of this act to any person or circumstance.

Section 13. Service contracts entered into prior to January 1, 1998, and renewals thereof, may but are not required to comply with this act. Providers and other persons are not required to comply with this act until January 1, 1998. A provider or other person may, but is not required to, implement the requirements of this act prior to January 1, 1998. The failure of a provider or other person to comply with this act or otherwise to administer a service contract plan, in the manner required by this act prior to January 1, 1998, shall not be admissible in any court, arbitration, or alternative dispute resolution proceedings or otherwise used to prove that the action of any person or the service contract was unlawful or otherwise improper.

Section 14. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

And said Bill, SB 447, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

## RESOLUTION

Senator Bedford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 121.** COMMENDING JACK GAULDIN FOR OUTSTANDING SERVICE TO OUR YOUTH.

WHEREAS, the April 30, 1997 retirement of Jack Gauldin brings to a close a longtime career of distinguished service to the Boy Scouts of America organization and to our young people; and

WHEREAS, over some 31 years after beginning his career as a District Executive in the Fort Payne, Alabama area, Jack Gauldin served in such capacities as Field Director in the Choccolocco Council, Anniston, Alabama; as Director of Field Service, Jackson, Mississippi; as Scout Executive in Meridian, Mississippi; and as Scout Executive in Huntsville, Alabama, since 1983; and

WHEREAS, scouting indeed plays a vital role in the development of those positive qualities of character and citizenship which reflect the highest ideals of American youth and our hope for tomorrow, and, Jack Gauldin, in his many years of professional scouting service with the Boy Scouts of America organization, has contributed significantly toward this objective; and

WHEREAS, a veteran of the United States Air Force, Mr. Gauldin attended the University of Alabama, and received a B. A. degree from Jacksonville State University; he is married to the former Elaine Howard of Florence, Alabama, and they are the proud parents of two Eagle Scout sons, Tom and Tim; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the Boy Scouts of America, we hereby most highly commend Jack Gauldin, for whom a copy of this resolution shall be provided

with sincere regard and best wishes for every future happiness and success in retirement.

On motion of Senator Bedford, the Rules were suspended and the Resolution was adopted by the Senate.

### **BUDGET ISOLATION RESOLUTION**

Senator Langford requested and received permission to suspend the Rules in order to bring up the Bill, HB 187, under the provisions of the Resolution, SR 120.

Senator Langford, B.I.R., HB 187, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 187.** To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

was taken up.

Senator Langford offered the following substitute for the Bill, HB 187, to-wit:

### **SUBSTITUTE FOR HB 187**

#### **A BILL TO BE ENTITLED AN ACT**

To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public

contracts subject to the state's competitive bid laws.

On motion of Senator Freeman, the Rules were suspended and further consideration of the Bill, HB 187, and pending substitute, was postponed subject to the call of the Chair.

### **FURTHER CONSIDERATION OF SB 304**

Senator Windom requested and received permission to suspend the Rules in order that the Senate proceed to further consideration of the Bill, SB 304, under the provisions of the Resolution, SR 120.

And said Bill, SB 304, was read a third time at length and passed.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

### **RESOLUTIONS**

Senators Poole and Bedford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 122.** COMMENDING THE CARROLLTON LADY INDIANS BASKETBALL TEAM ON ITS STATE CHAMPIONSHIP SEASON.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature most heartily congratulates the Carrollton Lady Indians Basketball Team on its Class 1-A State Championship, its third over the past four seasons; and

WHEREAS, defeating Vina 67-53 to win their first state championship in 1993 and Valley Head 50-48 for the 1994 title, this excellent club won this year's title by outrebounding and defeating the previously undefeated and top-ranked Notasulga Lady Blue Devils 49-47; and

WHEREAS, in their determination to develop the fullest potential of the players, Head Coach Eddie Jaynes and Assistant Coach Teresa Barnett

devoted countless hours to training and emphasizing discipline and good sportsmanship to team members; and

WHEREAS, members of this talented group of young ladies include: Latasha Hinton, Jennifer Sullivan, Melissa Noland, April Acker, Heather Shepherd, Rosalyn Taylor, Cassundra Pope, Tammy Spain, Latoya Williams, Kim Lavender, Lytrice Washington, Stephanie Martin, Brandy Owens, Shonderia Pope, and Crystal Jones; and

WHEREAS, the supporters of Carrollton High School athletics, students, alumni, as well as the Alabama Legislature, are justly proud of the accomplishments of the Lady Indians and wish to express their appreciation and continued support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we most highly commend and congratulate the Carrollton Lady Indians Basketball Team and do further direct that copies of this resolution be presented to Coach Eddie Jaynes for appropriate school display.

On motion of Senator Poole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Poole then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 123. COMMENDING THE TUSCALOOSA ACADEMY BOYS BASKETBALL TEAM ON CAPTURING ITS 3A STATE CHAMPIONSHIP.**

WHEREAS, it is with great pride and pleasure that the Alabama Legislature most heartily congratulates the Tuscaloosa Academy Boys Basketball Team on capturing the 3A State Championship; and

WHEREAS, under the brilliant leadership and direction of Coach Scott Brenizer and Assistant Coaches Scott Taylor and Jay Satterfield, the Tuscaloosa Academy Boys Basketball Team is indeed a power to be reckoned with and is most deserving of their top state ranking; and

WHEREAS, sharing the glory and credit for the accomplishments of the 1997 State Championship are team members Kyle Benefield, Clete Browder, Jay DeLos Reyes, Prentice Redman, Drew Rhodes, Ben Robertson, Alan Wiggins, Brett Wilkin, Rusty Allen, Marc De Los Reyes, Harvey Edwards, Russ Gambrell, Mark Haustein, Josh McIlwain, Tom Meriwether,

Davis Pearce, Tyler Watkins, and Ben Wilkin; and

WHEREAS, the Tuscaloosa Academy Boys Basketball Team was recognized by Headmaster William H. Campbell for their spirit and tradition of good sportsmanship and fair play; he also praised team members for their integral part in achieving this coveted goal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tuscaloosa Academy Boys Basketball Team are most highly commended and congratulated on its 3A State Championship, and direct that a copy of this resolution be provided to Coach Brenizer for appropriate school display with sincere best wishes for continued success in the future.

On motion of Senator Poole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Poole then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 124. COMMENDING THE TUSCALOOSA CHRISTIAN GIRLS BASKETBALL TEAM ON ITS CHAMPIONSHIP.**

WHEREAS, it is with great pride and pleasure that the Alabama Legislature most heartily congratulates the Tuscaloosa Christian Girls Basketball Team on its 1997 championship game, and its second championship in the past three seasons; and

WHEREAS, winning their first Alabama Christian Education Association title in 1995, and losing by only one point in 1996, the Lady Warriors are indeed a power to be reckoned with and are most deserving of their top state ranking; and

WHEREAS, achieving this success under the fine leadership of Tuscaloosa Christian Coach Jarrett Vick, the Lady Warriors finished with an 18-3 overall season, and 17-0 in conference play; and

WHEREAS, we hereby acknowledge and applaud the superb achievements of the Tuscaloosa Christian Girls Basketball Team, which includes players Lesley Jones, Melissa Mott, Dawn Lancaster, Jenna Weaver, Ellen Jones, Sarah Hammack, Pam Lancaster, Kimberli Barger, Calaine Davis, Sabrina Postlethwait; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the team members are

commended for the exemplary manner in which they have represented their school and community, and it is further directed that a copy of this resolution be presented to Coach Vick for appropriate school display.

On motion of Senator Poole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Poole then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 125. COMMENDING THE OPEN DOOR BAPTIST LADY EAGLES BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, it is with great pleasure that the Alabama Legislature recognizes the Open Door Baptist Lady Eagles as the North Alabama Christian Conference (NACC) State Champions; and

WHEREAS, clearly reflecting their dedication and will-to-win spirit, the Lady Eagles rallied ahead in the second half of play in an outstanding team effort to defeat Cathedral Christian 47-39, and capture their first ever NACC title in school history; and

WHEREAS, these fine young athletes have indeed brought great honor to themselves, their school and community and are indeed deserving of highest praise for their dedicated efforts and contributions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the Open Door Baptist Lady Eagles, and direct that a copy of this resolution be provided as a token of our tribute and for appropriate presentation and display.

On motion of Senator Poole, the Rules were suspended and the Resolution was adopted by the Senate.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Rep. Kennedy:

**HJR 370.** MEMORIALIZING THE UNITED STATES CONGRESS TO SUBMIT TO THE STATES A PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE RIGHT OF EACH PERSON TO CLEAN AIR AND WATER AND TO THE PROTECTION OF OTHER NATURAL RESOURCES.

WHEREAS, the triumph of freedom and justice embodied in the Constitution of the United States of America gave contemporary and future generations a structure for ordered liberty that has served this nation well; those historic decisions, augmented from time to time by Amendment, gave us a Constitution which permits each generation to overcome the great social disturbances of its time; the rights of speech and assembly were protected against overbearing government; the liberation of enslaved Americans; the right of women to vote; restraints on the power of concentrated wealth; the intelligent use of government to protect the economic interests of all; and the use of national military power here and abroad, have all been achieved through this Constitutional framework; and

WHEREAS, the American people have well understood their Constitution, and the values and powers it embodies; liberty, justice, and our physical and material security; these ideals remain the goals of our generation and our hope for future generations; and

WHEREAS, a Constitution which protects our personal security is the heart of the American system; our Constitution seeks to ensure that each person is free of the threat of attack, free of actions by others that diminish life, liberty, health, or property or that prevent the "pursuit of happiness"; and

WHEREAS, the people of the nation are increasingly besieged by attacks on their personal security, their health and the health of their families, and their right to enjoy the air, water, and natural resources of the nation; the continuing and growing threat to the public health and the nation's natural resources is the challenge to our generation of the kind other generations faced and overcame; and

WHEREAS, we are custodians of the health of our children, of future generations, whose ability to breathe clean air, drink healthful water, avoid poisons, and share in the spiritual regeneration that comes from wilderness and nature is in danger; moreover, we are obliged to protect each citizen from these threats as surely as were previous generations obliged to enhance freedom, justice, and prosperity; and



WHEREAS, a Constitutional remedy is necessary to accomplish this goal; and

WHEREAS, the decision to seek a Constitutional remedy is significant and necessary; the people have historically been reluctant to amend the Constitution except for the most compelling reasons; although this body shares that view, the commitment to the public health and environmental security of our citizens and of future generations is so important, and so deeply a part of American tradition and values that it requires Constitutional status; we can no more rely on statutory protections for the environment and public health than the nation of 130 years ago could rely on law alone for the liberation of enslaved Americans, or could the nation of 80 years ago when it declared the right of women's suffrage to be a constitutional value; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body requests the Congress of the United States to submit to the several states the following amendment to the Constitution of the United States:

The natural resources of the nation are the heritage of present and future generations. The right of each person to clean and healthful air and water, and to the protection of the other natural resources of the nation, shall not be infringed upon by any person.

BE IT FURTHER RESOLVED, That this body also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of the above amendment to the Constitution; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the Alabama Delegation to the Congress of the United States; and to the Secretary of State and Presiding Officers of both houses of the Legislature of each of the other states in the union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, HJR 370, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Parker (T), Pringle, Dean, Crigler, and Gaston:

**HJR 395.** COMMENDING ROBERT A. GUTHANS AS THE NATIONAL RIVERS HALL OF FAME ACHIEVEMENT AWARD RECIPIENT.

Also:

By Rep. Clouse:

**HJR 399.** COMMENDING STEFANIE HARRIS AS STATE WINNER OF THE RESPECTEEN NATIONAL YOUTH FORUM.

Also:

By Reps. Kennedy, Buskey, Clark (W), Mitchell, Crigler, Turner, Box, Dean, Pringle, and Gaston:

**HJR 401.** COMMENDING ALBERTA N. RICHARDSON UPON HER SELECTION AS MURPHY HIGH SCHOOL TEACHER OF THE YEAR.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Langford, the Rules were suspended and the Resolution, HJR 395, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Butler, the Rules were suspended and the Resolutions, HJR's 399 and 401, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Rep. Laird:

**HJR 362.** DESIGNATING REVEREND R. L. HEFLIN DAY IN RANDOLPH COUNTY ON APRIL 26, 1997.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Butler, the Rules were suspended and the Resolution, HJR 362, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 582.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Home Builders Licensure Board with certain modifications; to amend Sections 34-14A-2, 34-14A-3, 34-14A-5, 34-14A-7, 34-14A-8, 34-14A-11, 34-14A-13, 34-14A-14, and 34-14A-15, Code of Alabama 1975; so as to provide further for definitions; provide for the membership of the board; to provide that certain records of the board are public; to provide further for licensure and the collection of fees; to provide further for the submission of financial information for initial licensure and renewal, to require the annual submission of financial information by licensees; authorize the levy of administrative fines; to provide that any document mailed certified mail return receipt requested is deemed filed when postmarked; to provide further for the reporting of violations; to provide further for penalties for violations; and to provide further for the operation of a recovery fund.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had

been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **BUDGET ISOLATION RESOLUTION**

Senator Armistead requested and received permission to suspend the Rules in order to bring up the Bill, SB 680, under the provisions of the Resolution, SR 120.

Senator Armistead, B.I.R., SB 680, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 680.** Establishing the Heather Act; to amend Section 26-18-6, Code of Alabama 1975; to allow in personam and in rem jurisdiction over an abandoned child; and to provide for service by publication in certain cases involving an abandoned child.

was taken up.

Senator Armistead offered the following amendment to the Bill, SB 680, to-wit:

### **AMENDMENT TO SB 680**

Amend SB 680 on page 1, line 12, after the words "establish the" by removing the word "Heather" and inserting the words "Child Abandonment";

Further amend SB 680 on page 1, line 25, after the words "Establishing the" by removing the word "Heather" and inserting the words "Child Abandonment",

Further amend SB 680 on page 3, lines 9-10, by removing the phrase “, beyond a reasonable doubt,”;

Further amend SB 680 on page 3, line 12, by removing the word “affirmatively”;

Further amend SB 680 on page 3, lines 21-22, after the word “1975” by removing the phrase “and who resided within the state at the time of the abandonment.”

Which was adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

And said Bill, SB 680, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

Senator Lipscomb requested and received permission to suspend the Rules in order that the Senate proceed to further consideration of the Bill, SB 468, under the provisions of the Resolution, SR 120, to-wit:

**SB 468.** To enact the Uniform Conservation Easement Act, providing for the creation, enforcement, modification, duration, and termina-

tion of conservation easements on real property for conservation, recreational, and other related purposes.

having been postponed on the Tenth Legislative Day.

On motion of Senator Lipscomb, the Rules were suspended and further consideration of the Bill, SB 468, was postponed subject to the call of the Chair.

### **BUDGET ISOLATION RESOLUTION**

Senator Lipscomb then requested and received permission to suspend the Rules in order to bring up the Bill, SB 529, under the provisions of the Resolution, SR 120.

Senator Lipscomb, B.I.R., SB 529, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 529.** To add Section 27-50-1 to Title 27, Code of Alabama 1975; to provide for reimbursement or payment by a third party for services performed by certified registered nurse practitioners or certified nurse midwives.

was taken up.

The Standing Committee on Health reported the following substitute for the Bill, SB 529, to-wit:

### **SUBSTITUTE FOR SB 529**

A BILL  
TO BE ENTITLED  
AN ACT

To add Section 27-50-1 to Title 27, Code of Alabama 1975; to

provide for reimbursement or payment by a third party for services performed by certified registered nurse practitioners or certified nurse midwives.

On motion of Senator Lipscomb, said substitute was laid on the table.

Senator Lipscomb then offered the following substitute for the Bill, SB 529, to-wit:

**SUBSTITUTE FOR SB 529**

**A BILL**

**TO BE ENTITLED  
AN ACT**

Relating to health insurance plans and contracts; to add Section 27-50-1 to Title 27, Code of Alabama 1975, to provide for reimbursement or payment by a third party for services performed by certified registered nurse practitioners or certified nurse midwives; and to amend Section 10-4-115, Code of Alabama 1975.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Section 27-50-1 is added to Title 27, Code of Alabama 1975, and shall read as follows:

**§27-50-1.**

(a) Notwithstanding any other provision of law, when any contract or plan of health insurance, or any plan or agreement for health care service provides for reimbursement or payment for services which are within the scope of practice of certified registered nurse practitioners or certified nurse midwives who are qualified to be designated as such by the Alabama Board of Nursing, the insured or any other person covered by the policy, plan, contract, or certificate shall be entitled to reimbursement or payment for such services performed by the certified registered nurse practitioner or certified nurse midwife. Additionally, the certified registered nurse practitioner or certified nurse midwife shall be entitled to direct reimbursement by the insurer, unless the certified registered nurse practitioner or certified nurse midwife is employed by contract with a group practice of physicians or a hospital, in which case the services shall be reimbursed through the employer.

(b) This section shall apply to services provided under a policy or

contract delivered, continued, or renewed in this state on or after the adoption of this section, and to any existing policy or contract, on the policy's or contract's anniversary or renewal date, or upon the expiration or the applicable collective bargaining contract, if any, whichever is later.

(c) This section does not apply to policyholders or subscribers eligible for coverage under Title XVIII of the federal Social Security Act or any similar coverage under a state or federal government plan.

(d) For purposes of this section, third party payment or prepayment includes an individual or group policy or accident or health insurance or individual or group hospital or health care service contract including those administered in accordance with Section 10-4-100, et seq., Code of Alabama 1975, an individual or group health maintenance organization contract, an organized delivery system contract, or a preferred provider organization contract.

Section 2. Section 10-4-115, Code of Alabama 1975, is amended to read as follows:

“§10-4-115.

“(a) No statute of this state applying to insurance companies shall be applicable to any corporation organized under ~~the provisions of this article and amendments thereto~~ or to any contract made by such corporation unless expressly mentioned in this section and this article and made applicable; except, that such corporation shall be subject to the provisions regarding annual premium tax to be paid by insurers on insurance premiums.

“(b) Notwithstanding subsection (a), any corporation organized under this article shall be subject to Section 27-50-1.”

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole,



Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays: - 0

And said Bill, SB 529, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays: - 0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 57.** Regulating the installing and servicing of alarm systems; and the providing of locksmith services; creating the Alabama Electronic Security Board of Licensure and specifying its composition, powers, and duties; specifying it is subject to the Alabama Sunset Law; creating a special fund to be known as the Alabama Electronic Security Board of Licensure Fund; providing for an appropriation from the fund to the board for the fiscal year ending September 30, 1998, in an amount deemed necessary by the board; providing for the licensure process, fees, violations, enforcement, application, and monetary, civil, and criminal penalties; and excluding from application counties with certain populations.

PAT LINDSEY,  
Chairperson.

## UNANIMOUS CONSENT GRANTED

Senator Bedford requested and received unanimous consent to allow Standing Committees to report out of order for today.

**REPORTS OF COMMITTEES RESUMED**

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

**SB 132.** To amend Section 13A-6-20, Code of Alabama 1975, to provide that any assault committed by an inmate on a state employee would be classified as assault in the first degree.

By Senator Smitherman:

**SB 365.** To amend Section 38-9-2, Code of Alabama 1975, the Adult Protective Services Act, to provide further for the definition of a protected person by providing that residence in a nursing home, mental institution, developmental center for the mentally retarded, or other convalescent care facility creates a presumption that the person is a protected person; and to provide an effective date.

By Senator Smitherman:

**SB 366.** Relating to parental liability for the malicious acts of minors; to provide that parents are not liable if parental control has been removed by court order or the minor has abandoned the home; and to require that the court consider mitigating circumstances in determining liability.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (With Substitute):

**SB 444.** To amend Sections 25-7-50, 25-7-52, and 25-7-53 of the Code of Alabama 1975, relating to local arbitration boards; to require arbitration by the board in employer-employee disputes; to permit the application of personnel board procedures instead of arbitration; to increase the compensation of local board of arbitration members; and to provide that the decision of the board is final and binding on the parties.

Senator Bedford, Chairperson of the Standing Committee on Judi-

ciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Armistead:

**SB 473.** Establishing the Sex Offender Incarceration Act of 1997; imposing mandatory sentences for persons convicted of sex crimes; prohibiting parole and other forms of early release; prohibiting the expunging of criminal records of sex offenders; and amending Section 15-22-36, Code of Alabama 1975.

By Senator Smith:

**SB 549.** To amend Sections 13A-8-4 and 13A-8-5, Code of Alabama 1975, relating to the value of property for a theft of property; to further provide for the value of property that constitutes theft of property in the second or third degree; and to provide for increased punishment for a third conviction of theft of property in the third degree.

By Senator Bailey (With Notice and Proof):

**SB 584.** To provide for law enforcement powers for community corrections officers employed in the Houston County Work Release and Pretrial Release Program.

By Rep. Newton (D):

**HB 52.** To provide a cause of action for those persons who are injured by persons who are convicted of the illegal sale, use, or possession of a controlled substance; to provide damages; and to provide for a statute of limitations.

By Reps. Galliher, Millican, Smith, Guin, Murphree, Fuller, and Hill:

**HB 520.** Establishing the Consent for Abortion Act; prohibiting the performance or inducement of an abortion without voluntary and informed consent and specifying what constitutes such consent; amending Section 26-21-3, Code of Alabama 1975, to require the signature of a parent, legal guardian, or adoptive parent of a minor to a consent form to be signed in the presence of the abortion provider or agent and to be accompanied with specific identification and evidence, and to provide for certain alternative identification and evidence requirements; to require certain documents proving that a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person from coercing a minor to have an abortion performed; to pro-

vide that the State Department of Public Health develop appropriate forms for the consent and emancipation; requiring the Department of Public Health to publish certain materials regarding abortions and alternatives; providing for emergency situations; requiring that only a physician may perform abortions; prescribing criminal penalties and for license suspension of abortion centers; providing for certain civil actions including professional disciplinary actions and license suspension; providing for the right of intervention; and providing for a specific construction and a delayed effective date.

By Reps. Dolbare and Turner:

**HB 621.** To authorize the Mowa Band of Choctaw Indians, an Alabama nonprofit corporation, and recognized by the State of Alabama as a tribal government, to employ suitable persons as police officers; and to specify the powers and jurisdiction of the police officers.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Smith, Adams, Lipscomb, Bailey, Dixon, Ghee, Amari, Windom, Armistead, Hill, and Biddle:

**SB 269.** Proposing an amendment to the Constitution of Alabama of 1901, to phase-out supernumerary programs and to permit participation in a retirement system.

The above Bill was read a second time at length as required by the Constitution.

By Senator Armistead:

**SB 677.** To amend Sections 26-10A-2, 26-10A-23, and 26-10A-36, Code of Alabama 1975, relating to the Alabama Adoption Code; to define foreign adoption agencies; to expand the requirements for adoption agencies doing business in Alabama to include foreign adoption agencies; to further provide for the regulating of advertising by domestic and foreign adoption agencies; to require compliance by foreign adoption agencies with certain provisions of Title 10 and Title 40; to add Section 40-12-44.1 to Title 40, Chapter 12, Code of Alabama 1975, to provide for the payment of a licensing fee by adoption agencies; and to provide for the disposition of revenue from the licensing fee.

By Senator Armistead:

**SB 678.** To amend Section 12-15-8, Code of Alabama 1975, to establish requirements for guardians ad litem in juvenile proceedings, to define guidelines for the choice of such guardians ad litem by the court, to establish for such guardians ad litem the initial and continuing educational requirements and other qualifications, the compensation, the specific duties of, and the penalties for failure to perform such duties by a guardian ad litem in any juvenile proceedings.

By Senator Armistead:

**SB 679.** To amend Sections 12-15-7, 26-14-1, 26-14-3, 26-14-6, 26-14-7, and 26-16-13, Code of Alabama 1975, to require the Department of Human Resources to report certain suspected, alleged, or actual cases of child abuse or neglect, or both, to the appropriate law enforcement agency; to provide penalties for willful failure to make such reports; to require the Department of Human Resources to share all information necessary for the law enforcement agencies to fulfill their legal responsibilities in suspected, alleged, or actual cases of child abuse or neglect, or both; to clarify that the Department of Human Resources has powers similar to probation officers in certain instances; to require that the Department of Human Resources and all state and local law enforcement agencies cooperate in the investigation of suspected, alleged, or actual child abuse or neglect cases, or both; and to require the Department of Human Resources to meet the same standard of entry into a home required of law enforcement officers of probable cause and issuance of a warrant prior to entering a home for the removal of a child or to file a dependency petition and receive a pre-adjudication order by a judge of competent jurisdiction.

By Senator Armistead:

**SB 690.** To amend Sections 26-18-7 and 26-18-8, Code of Alabama 1975; to require that the court having jurisdiction over a child who is the subject of an action for termination of parental rights must terminate the parental rights of any parent convicted of engaging in any of the following acts with or against his or her biological or adopted child, or of any parent convicted of aiding and abetting another parent or any other person in engaging in any of the following acts with or against his or her biological or adopted child: Sexual intercourse, deviate sexual intercourse, rape in the first or second degree, sodomy in the first or second degree, sexual misconduct, sexual torture, murder of a sibling, whether of the full blood, half blood, or by adoption, and intentional assault in the first degree; to provide that the court having jurisdiction over a child who is the subject of an action for the termination of parental rights would provisionally terminate parental rights with the possibility of permanent termination in cases where a

mother who is addicted to a Schedule I controlled substance, with the exception of marihuana, gives birth to a child, and would require such mother to enter a mandatory drug treatment and rehabilitation program assigned by the court, and be subject to monthly drug tests and unannounced spot checks for drugs for a period of two years; to provide that any mother who tests positive for any Class I controlled substance, with the exception of marihuana, within the two-year period shall have her parental rights permanently terminated if it is proved beyond a reasonable doubt that the mother took such drugs voluntarily; to provide for notification of the Department of Human Resources when a mother, whose parental rights were terminated for any cause under this act, subsequently gives birth to another child following the termination of parental rights of the first child; to provide that the Department of Human Resources monitor such a mother in the manner and for the time deemed necessary to assure the protection and safety of the child, and in the event of imminent danger to the child from any criminal action for which parental rights may be terminated under this act, to institute action for the provisional termination of parental rights with the possible permanent termination of parental rights as provided by this act; to provide that the removal of the parental rights of one parent for cause would not result in the removal of the parental rights of another parent without cause, and that parental rights will not be terminated under the provisions of this act unless and until conviction of a parent has occurred under one of the provisions of this act; and to require that the court having jurisdiction over a child who is the subject of an action for the termination of parental rights would be required to issue its judgment within 12 months from the date of the initial filing, and would permit any party to the action to mandamus the court for inaction if the court failed to issue such judgment.

By Rep. Clouse:

**HB 37.** To authorize the city council of any Class 5 municipality with a city manager or a mayor commission form of government to adopt an alternate structure for the membership on the board of adjustment created pursuant to Section 11-52-80 of the Code of Alabama 1975; to authorize the city councils to provide by ordinance for the appointment of the board; and to provide for the number of concurring votes on the board.

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator McClain:

**SB 659.** To amend Sections 22-28-2 and 22-28-12, Code of

Alabama 1975, relating to clean air emission standards for motor vehicles; to authorize the Department of Environmental Management to adopt, fund, and administer a motor vehicle emission control program for Jefferson and Shelby Counties in compliance with the federal Clean Air Act Amendments of 1990.

By Rep. Boyd:

**HB 295.** To provide that the current chemical stockpile plan, as written by the United States Army shall not change to permit the disposal facility to be permitted and constructed and operated at the Anniston Army Depot for any purpose other than to destroy the stockpile of chemical agents and components existing as of the effective date of this act.

By Rep. Turner:

**HB 525.** To amend Section 9-11-91, Code of Alabama 1975, relating to fishing in private bodies of water, to further provide for certain penalties.

By Rep. Turner:

**HB 526.** To provide for the issuance of one-day fishing permits to certain groups of young persons for organized fishing events; and to provide an exemption from fishing licensure requirements for the persons covered by the permit.

By Rep. Turner:

**HB 527.** To authorize the Game and Fish Division of the Department of Conservation and Natural Resources to collect fees for lists of licensees, and to provide for the setting of the amounts of the fees and disposition of the proceeds.

Senator Amari, Chairperson of the Standing Committee on Business and Labor, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Butler:

**SB 493.** To provide that as a condition of eligibility for unemployment compensation, temporary employees shall contact the temporary help firm for new work upon completion of a temporary assignment.

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By Senator Lindsey:

**SB 556.** To provide for continued coverage of group insurance under certain circumstances.

By Senator Clay:

**SB 684.** To amend Sections 40-23-25 and 40-23-82, Code of Alabama 1975; to provide a limitation on the successor liability of a bona fide purchaser of a business, security interest holder, or mortgagee for the unpaid and undisclosed sales and use tax liability of the prior business owner or debtor.

By Rep. Haney:

**HB 3.** To amend Section 13A-9-14, Code of Alabama 1975, to expand the definition of credit card for purposes of illegal possession of a credit card or fraudulent use of a credit card to include references to bank credit cards, debit cards, or bank withdrawal transactions, including the use of an account number, to be consistent with the definition of credit card for purposes of fraud by persons authorized to provide goods, money, and services by credit card transactions.

By Rep. Newton (C):

**HB 316.** Relating to insurance, to provide further for the regulation of Medicare supplement insurance and long-term care insurance by amending Sections 27-19-50, 27-19-52, 27-19-53, 27-19-54, 27-19-55, 27-19-56, and 27-19-57 of, and to add Sections 27-19-52.1, 27-19-57.1, 27-19-57.2, and 27-19-59 to the Code of Alabama 1975, and adding an Article 3 (commencing with Section 27-19-100) to Chapter 19 of Title 27 of the Code of Alabama 1975, establishing the "Long-Term Care Insurance Policy Minimum Standards Act."

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Notice and Proof):

**SB 619.** Relating to the City of Dothan in Houston County; to amend Section 2 of Act 543, H. 1252 of the 1977 Regular Session (Acts 1977, p. 711), providing for membership in the City of Dothan Pension and



Retirement System, to provide for optional membership in the system for the city manager and the city attorneys; and to amend and reenact Section 4 of Act 91-487, H. 622 of the 1991 Regular Session (Acts 1991, p. 878), to provide further for the authorized investments of the pension board.

By Senator Clay (With Notice and Proof):

**SB 672.** Relating to Macon County; providing that the members of the county commission shall run for election from four single-member districts; providing that the chair of the county commission shall run for election at-large; providing that the chair of the county commission shall serve full time; providing for the compensation of the chair of the county commission and the members of the county commission; providing for the operation and personnel of the county commission; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer and county commission; and repealing Act 334, H. 826, of the 1939 Regular Session (Local Acts, 1939, p. 225); Act 216, H. 669, of the 1969 Regular Session (Acts 1969, p. 535); Act 1996, H. 2195 of the 1971 Regular Session (Acts 1971, p. 3238); Act 84-583, H. 884 of the 1984 Regular Session (Acts 1984, p. 1218); Act 90-313, H. 798 of the 1990 Regular Session (Acts 1990, p. 428); and Act 91-817, H. 78 of the 1991 Regular Session (Acts 1991, p. 217).

By Senator Steele (With Notice and Proof):

**SB 674.** Relating to Tuscaloosa County; to amend Section 2 of Act 94-568, H. 897, 1994 Regular Session (Acts 1994, p. 1040), relating to the Office of the Sheriff in Tuscaloosa County; to provide further for the compensation of the chief jailer.

By Reps. Thomas (D) and Galliher (With Notice and Proof):

**HB 546.** Relating to St. Clair County; providing for additional costs and charges in all district and juvenile court cases; providing for the establishment of a Juvenile Court Services Fund; providing for collection of expenses incurred by the county in detaining a juvenile; and providing for the distribution of the funds.

By Rep. Warren (With Notice and Proof):

**HB 712.** Relating to Conecuh County; to amend Section 2 of Act No. 88-281, p. 436, 1988 Regular Session, to authorize the county commission to pay additional amounts from the county general fund to Willie Lee Powell so long as the funds are available.

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By Rep. Willis (With Notice and Proof):

**HB 747.** Relating to the City of Jacksonville in Calhoun County; to provide the term of the members of the city board of education would run from October of even years; and for this purpose extending the term of members.

By Rep. Robinson (With Notice and Proof):

**HB 748.** Relating to Jackson County; amending Section 4 of Act No. 89-265, H. 523 of the 1989 Regular Session (Acts 1989, p. 389), to remove the prohibition against the directors and chair serving more than two terms.

By Rep. Turnham (With Notice and Proof):

**HB 809.** Relating to Lee County; authorizing the sheriff to operate an inmate commissary for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

By Rep. Letson (With Notice and Proof):

**HB 827.** Relating to the Town of Courtland in Lawrence County; authorizing the Town of Courtland as a municipal corporation to establish, purchase, construct, maintain, and operate a television cable system and to furnish television cable service to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by the municipal corporation in connection with the systems; providing for the payment of the bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

By Rep. White (With Notice and Proof):

**HB 859.** Relating to the Town of Pollard, Alabama, in Escambia County; to amend Sections 1, 2, and 3 of Act No. 92-389, H. 747 of the 1992 Regular Session of the Alabama Legislature (Acts 1992, p. 798); to restrict the use of the Town of Pollard Trust Account; to require an audit of the account; to provide for the membership of the board of trustees of the account; to require that account earnings be maintained in a separate account; and to provide that the fund may be terminated by four-fifths of the electors voting in a special referendum.

By Rep. White (With Notice and Proof):

**HB 860.** To abolish the Office of Coroner in Escambia County and to establish the office of county medical examiner and assistant county medical examiners; to provide for the powers and duties of the county medical examiner, and the state medical examiners relative to deaths occurring in Escambia County; to provide for funding an an effective date; and to repeal conflicting laws.

By Rep. White (With Notice and Proof):

**HB 861.** Relating to Escambia County; to levy an additional privilege and license tax and to provide for the collection, distribution, and use of the net proceeds of the additional tax, contingent only upon the repeal of Escambia County Resolution/Ordinance Number 3, approved September 23, 1991.

By Reps. Warren and Jackson (With Notice and Proof):

**HB 863.** Relating to Conecuh County, providing for the fee for the issuance of pistol permits, providing for the deposit of such fees in a fund known as The Sheriff's Fund, providing for the use of such fund and repealing Act 87-482, H. 997, 1987 Regular Session.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Layson (With Amendment):

**HB 874.** Relating to Pickens County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Pickens County Commission to levy a three mill ad valorem tax for fire protection.

The above Bill was read a second time at length as required by the Constitution.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Dolbare and Jackson (With Notice and Proof):

**HB 898.** Relating to Clarke County; to further provide for the

operation of the county commission; to provide further for the compensation of the commission; to provide for a centralized road system for the operation of the county roads and bridges; to provide for the employment of a county engineer; to provide for the continual supervision of the roads and bridges by the commission; to repeal conflicting laws; and to provide for a referendum.

By Reps. Curry, Hill, Knight (A), and Gaines (With Notice and Proof):

**HB 901.** Relating to Shelby County; to amend Section 11 of Act 596, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act 92-394, 1992 Regular Session (Acts 1992, p. 810); to remove certain law enforcement powers granted to employees of the Shelby County Work Release Center; to authorize the commission to transport eligible persons to job sites within the county; and to exempt the commission from liability for damage or injury caused to the eligible person.

By Reps. Curry, Knight (A), Gaines, and Hill (With Notice and Proof):

**HB 903.** Relating to Shelby County; to amend Act 93-529, H. 728 of the 1993 Regular Session (Acts 1993, p. 869), to provide for additional costs and charges in all circuit and district court cases and to further provide for distribution of the funds.

By Reps. Gaines and Hill (With Notice and Proof):

**HB 907.** Relating to Shelby County; providing for additional line item expenses for the district attorney's office.

By Reps. Curry, Hill, and Knight (A) (With Notice and Proof):

**HB 908.** Relating to Shelby County; to provide that the Shelby County Commission shall have authority to remove or demolish buildings and structures, or parts thereof, when the same are found by the county commission to be unsafe to the extent of being a public nuisance; to provide for a hearing by the county commission if requested; to authorize that the cost of the demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that the assessment shall constitute a lien on the property; to provide methods of collecting assessments; and to authorize the tax collector to collect assessments.

By Reps. Carns, Knight (A), Gaines, and Hill (With Notice and Proof):

**HB 909.** Relating to Shelby County; to give the authority to the

county commission to allow Central Alabama Public Transportation and any agencies which receive state or county funding to receive and display county vehicle license tags.

By Reps. Carns, Curry, Knight (A), Gaines, and Hill (With Notice and Proof):

**HB 910.** Relating to Shelby County; to amend Section 2 of Act 96-41, H. 6, 1996 First Special Session (Acts 1996, p. 54), to provide further for the disbursement of certain additional court costs for the purpose of funding the county law library.

By Rep. White (With Notice and Proof):

**HB 914.** Relating to Escambia County; authorizing the sheriff to operate a jail store or commissary for inmates; and providing for the deposit, distribution, and auditing of monies earned.

By Rep. Black (L) (With Notice and Proof):

**HB 934.** Relating to Sumter County; providing for an additional expense allowance and salary for the tax collector.

By Rep. Black (L) (With Notice and Proof):

**HB 935.** Relating to Greene County; providing for the compensation of the members of the Greene County Board of Education.

By Rep. Black (L) (With Notice and Proof):

**HB 936.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Boligee in Greene County.

By Rep. Galliher (With Notice and Proof):

**HB 941.** To alter and rearrange the boundary lines and corporate limits of the City of Gadsden and the City of Glencoe in Etowah County to remove certain property from the corporate limits of the City of Gadsden and add the property to the City of Glencoe.

By Rep. Collins (With Notice and Proof):

**HB 948.** Relating to Lamar County; amending Section 2 of Act 80-519, H. 1052 of the 1980 Regular Session (Acts 1980, p. 799), further providing for the disposal of property under the control of the Lamar County Commission.

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By Rep. Laird (With Notice and Proof):

**HB 960.** Relating to Randolph County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; and providing for the disposition of proceeds.

By Rep. Lindsey (With Notice and Proof):

**HB 965.** Relating to Cherokee County; providing further for the compensation and mileage of returning officers.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time, to-wit:

By Rep. Black (L)

**HB 933.** Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games in Greene County for prizes or money by nonprofit organizations for charitable, educational, or other lawful purposes.

The above Bill was read a second time at length as required by the Constitution.

### **BILL REFERRED**

Pursuant to the provisions of Senate Rule 50(a), the President and President and Presiding Officer of the Senate ordered said Bill, HB 933, referred to the Standing Committee on Tourism and Marketing.

### **REPORTS OF COMMITTEES RESUMED**

Senator McClain, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Sanderson, Petelos, Minnifield, Gaines, and Spratt (With Notice and Proof) (With Amendment):

**HB 528.** Relating to Jefferson County; relating to alcoholic beverage

ages and the sale of wine in Jefferson County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

Senator McClain, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. McAdory (With Notice and Proof):

**HB 829.** Providing for a board of education for the City of Bessemer; providing that the members of the board shall be elected from defined districts; providing for the selection of a chair; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; and providing certain transitional provisions.

Senator Windom, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom (With Notice and Proof) (With Substitute):

**SB 67.** Relating to Mobile County; to provide for site-based management for the Mobile County School System and to provide for a referendum.

By Senators Windom and Myers (With Notice and Proof) (With Substitute):

**SB 80.** Relating to Mobile County; requiring the board of

school commissioners to adopt a dress code for students.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 329.** To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

PAT LINDSEY,  
Chairperson.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 59.** To amend Section 40-23-1, Code of Alabama 1975, as amended by Act 96-887, and Sections 40-23-4 and 40-23-62, Code of Alabama 1975, as amended by Act 96-544, to exempt ophthalmic materials from state sales and use taxes.

PAT LINDSEY,  
Chairperson.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Lindsey (With Notice and Proof):

**HB 966.** Relating to Cherokee County; providing further for the fee that the judge of probate may charge for celebrating the rites of marriage.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS



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ATTACHED TO THE BILL, HB 966, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 966 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Dolbare and Jackson (With Notice and Proof):

**HB 899.** Relating to Clarke County; authorizing the county commission to levy an additional sales and use tax and providing for the collection, distribution, and use of the proceeds of the tax.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 899, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 899 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Morrow (With Notice and Proof):

**HB 976.** Relating to Franklin County, to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide the collection and disposition of a special recording fee; and to provide that said system shall constitute official and permanent records in Franklin County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 976, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Newton (C) (With Notice and Proof):

**HB 977.** Relating to Butler County; fixing the fee for an issuance of a pistol permit by the sheriff and providing for the disposition and use of the proceeds; and repealing Act 88-321, H. 732 of the 1988 Regular Session (Acts 1988, p. 486).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 977, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 976 and 977 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Johnson (R) (With Notice and Proof):

**HB 974.** Relating to the City of Sylacauga in Talladega County; authorizing the utilities board of the City of Sylacauga to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the board and in the surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by the board in connection with the systems; providing for the payment of the bonds and other evidences of indebtedness and the rights of holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 974, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 974 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Venable, Gipson, and Wren (With Notice and Proof):

**HB 1007.** Relating to Elmore County; authorizing the county commission to levy an additional sales and use tax or an additional issuance fee on vehicle and watercraft licenses; providing for the collection, distribution, and use of the proceeds of the tax or fees; creating a separate fund to receive the taxes or fees; and prescribing additional duties on the Elmore County Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1007, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1007 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Kennedy, Buskey, and Box (With Notice and Proof):

**HB 638.** Relating to Mobile County; providing for the county commission to reimburse the office of the accounts department for mon-

etary loss resulting from the performance of official duties for errors or mistakes made in good faith, and providing that reimbursement payments be made from the county general fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 638, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 638 - to the Committee on Local Legislation No. 3

### BUDGET ISOLATION RESOLUTION

Senator Butler requested and received permission to suspend the Rules in order to bring up the Bill, HB 554.

Senator Butler, B.I.R., HB 554, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 554.** To amend Section 26-1-2, Code of Alabama 1975, relat-

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ing to durable powers of attorney; authorizing the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

was read a third time at length and passed.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

**BILL RECONSIDERED**

On motion of Senator Biddle, the Senate reconsidered the vote by which the Bill, SB 529, was passed.

On motion of Senator Biddle, the Rules were suspended and further consideration of the Bill, SB 529, was postponed subject to the call of the Chair.

**MOTIONS TO ADJOURN LOST**

At 3:10 P.M., Senator Adams moved that the Senate adjourn until Tuesday, April 29, 1997, at 11 o'clock A.M., which motion lost.

At 3:15 P.M., Senator Adams again moved that the Senate adjourn until Tuesday, April 29, 1997, at 11 o'clock A.M., which motion lost.

Yeas 10 Nays 15

Yeas:

Senators:

Adams, Bedford, Biddle, Dixon, Hale, Lipscomb, Mitchem, Poole, Smith, and Waggoner -10

Nays:

Senators:

Armistead, Bailey, Davidson, Escott-Russell, Freeman, Langford, Lindsey, Little, Mitchell, Myers, Roberts, Sanders, Smitherman, Steele, and Windom -15

## RESOLUTIONS

Senator Poole requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

**SR 126.** REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO HOUSE BILL 765.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinion on the following important constitutional questions which have arisen concerning the pending bill, House Bill 765, a copy of which is attached to this resolution and made a part hereof by reference.

Generally, House Bill 765 levies in Hale County an additional privilege or excise tax on beer, malt, or brewed beverages in the amount of two cents per 12 fluid ounces or fraction thereof.

The following relevant constitutional and statutory provisions are respectfully presented:

Section 104 of the Constitution of Alabama of 1901, provides that nothing in Article IV shall affect the right of the Legislature to enact local laws regulating or prohibiting the liquor traffic.

Section 105 of the Constitution of Alabama of 1901, which is located in Article IV, provides, no local law, except a law fixing the time of holding courts, shall be enacted in any case which is provided for by a general law.

Subsection (e) of Section 28-3-190 of the Code of Alabama 1975, relating to an excise tax upon beer, provides, "The tax herein levied is exclusive and shall be in lieu of all other or additional local taxes and licenses, county or municipal, imposed on or measured by the sale or volume of sale of beer..."

Based on these provisions of law and other applicable provisions:

1. Is House Bill 765 a local law regulating the liquor traffic as authorized by Section 104 of the Constitution of Alabama of 1901, and accordingly, constitutionally permissible?

2. Does House Bill 765 violate Section 105 of the Constitution of

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Alabama of 1901, as a local law concerning an issue subsumed by the general law provided in Section 28-3-190?

RESOLVED FURTHER, That the Secretary of the Senate is directed to send sufficient true copies of the pending bill, House Bill 765, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Senator Poole, the Resolution was adopted by the Senate.

Senator Armistead requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 127. COMMENDING MR. AND MRS. TEDDY R. BRASHER, JR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.**

WHEREAS, it is with great pleasure that the Alabama Legislature notes the 50th Wedding Anniversary of Teddy R. Brasher, Jr., and Lillian Kendrick Brasher on March 29, 1997; and

WHEREAS, Mr. and Mrs. Brasher were joined in Holy matrimony on March 29, 1947, in Columbiana, Alabama, and, through the years, their commitment to the ideals of marriage has served not only to enrich their lives, but as an example to be emulated by others; and

WHEREAS, they have distinguished themselves as respected and valued members of their community, and, most especially, as loving and devoted parents and grandparents to their two children, Larry and Steve; and three grandsons, Michael, John, and Ross; and

WHEREAS, Mr. Brasher has been successful in the construction industry for many years and is the owner of B & B Steel Company; he also has served several terms as the Chairman of the Shelby County Democratic Party; and is the Chairman of the Shelby County Law Enforcement Personnel Board, appointed by the Shelby County Legislative Delegation; and

WHEREAS, he further serves on the board of the Private Industry Council (PIC), appointed during Governor Fob James' first term; and

WHEREAS, Mrs. Brasher, a big Auburn fan, has worked with unselfish devotion with the Chelsea P. T. A. and Booster Club, as well as countless other civic and social activities; and



WHEREAS, Mr. and Mrs. Brasher are faithful and devoted members of Liberty Baptist Church and have touched all who have known them by their loving care as parents, their generous volunteer services to the community, and their genuine warmth as human beings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in celebrating the Golden Wedding Anniversary of Mr. and Mrs. Teddy R. Brasher, Jr., and direct that they receive a copy of this resolution of sincere commendation, with warm best wishes for many more years together in their marriage so richly blessed by God.

On motion of Senator Armistead, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Armistead then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 128. RENAMING THE CHILTON COUNTY AREA VOCATIONAL CENTER IN CLANTON, ALABAMA, THE W. A. "BING" LECROY VOCATIONAL CENTER.**

WHEREAS, Mr. W. A. "Bing" LeCroy, who was affectionately known as "Mr. Bing," was born in Coosa County and resided in Chilton County most of his life until his death on October 29, 1996; and

WHEREAS, Mr. LeCroy received a B. S. and Master's Degree at Auburn University in the field of administration; he also attended the University of Alabama at Birmingham for additional graduate studies; and

WHEREAS, Mr. LeCroy, who was known as "Mr. Education," provided unexcelled leadership as Superintendent of Education of Chilton County, State Superintendent of Education, Coordinator of Wallace Community College Selma-Clanton Extension, and as founder and director of the Chilton County Area Vocational Center; and

WHEREAS, he was active in numerous professional organizations and also, during his career, served on the University of Alabama and Auburn University Boards of Trustees; and

WHEREAS, he was a loyal and active member of the First Baptist Church of Clanton, Alabama, and was a long-time member and president of the Clanton Kiwanis Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING with the Chilton County Board of Education, that the Chilton County Area Vocational Center in Clanton, Alabama, be renamed the W. A. "Bing" LeCroy Vocational Center in recognition of the outstanding service of W. A. "Bing" LeCroy to public education in Chilton County and the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented for appropriate display in honor of W. A. "Bing" LeCroy.

On motion of Senator Armistead, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 502.** To amend Sections 34-11-1, 34-11-2, 34-11-3, 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9, 34-11-11, 34-11-12, 34-11-14, 34-11-15, 34-11-30, 34-11-31, 34-11-32, 34-11-34, 34-11-35, 34-11-36, 34-11-37, and 11-6-21 of the Code of Alabama 1975, which relate to the regulation and registration of professional engineers and land surveyors; to rename the board; to regulate the registration and fees, with expiration and renewal requirements for registration; to provide further for the issuance of certificates of authorization to certain corporations, partnerships, or firms practicing engineering or land surveying; to regulate further the compensation, powers, and duties of the members of the board; to regulate corporate practice; and to provide for penalties.

PAT LINDSEY,  
Chairperson.

### RESOLUTION

Senator Lipscomb requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 129.** REQUESTING A RECESS FROM NOON UNTIL 1:30 P.M. ON MAY 1, 1997, TO OBSERVE THE 1997 NATIONAL DAY OF PRAYER.

WHEREAS, prayer is the mainspring of the American spirit, a

fundamental tenet of our people since before the Republic was founded; a year before the Declaration of Independence in 1775, the Continental Congress proclaimed the first National Day of Prayer as the initial positive action they asked of every colonist; and

WHEREAS, more than two hundred years ago in 1783, the Treaty of Paris officially ended the long, weary Revolutionary War during which a National Day of Prayer had been proclaimed every spring for eight years; when peace came, the National Day of Prayer was forgotten; for almost half a century, as the Nation grew in power and wealth, we put aside this deepest expression of American belief -- our national dependence on the Providence of God; and

WHEREAS, it took the tragedy of the Civil War to restore a National Day of Prayer; as Abraham Lincoln said, "Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us"; and

WHEREAS, revived as an annual observance by Congress in 1952, the National Day of Prayer has become a great unifying force for our citizens who came from all the great religions of the world; prayer unites people; this common expression of reverence heals and brings us together as a Nation and we pray it may one day bring renewed respect for God to all the people of the world; and

WHEREAS, from General Washington's struggle at Valley Forge to the present, this Nation has fervently sought and received divine guidance as it pursued the course of history; this occasion provides our Nation with an opportunity to further recognize the source of our blessings, and to seek His help for the challenges we face today and in the future; and

WHEREAS, Thursday, May 1, is the 1997 National Day of Prayer, which will be observed by citizens gathering for prayer at our churches, city halls, and state capitols throughout Alabama and the Nation at 12:00 noon local time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby request that both houses of the legislature shall recess on Thursday, May 1, 1997, from 12:00 noon until 1:30 p.m. in support of the National Day of Prayer. Prayer will be offered on the steps of the Capitol from 12:00 noon until 1:05 p.m.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor James, Lt. Governor Siegelman, and Speaker Clark, that they may know of our feelings and desires concerning this matter.

On motion of Senator Lipscomb, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORT FROM CONFIRMATIONS

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of John H. DeLoach to the Alabama Board of Public Accountancy

Senator Mitchem requested and received unanimous consent to suspend the provisions of Senate Rule 48(2) and the appointment of Mr. DeLoach was confirmed by the Senate.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Joe C. Lawrence to the Alabama Board of Public Accountancy

Senator Mitchem requested and received unanimous consent to suspend the provisions of Senate Rule 48(2) and the appointment of Mr. Lawrence was confirmed by the Senate.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole,

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Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays: - 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Robert McCullar to the Alabama Board of Public Accountancy

Senator Mitchem requested and received unanimous consent to suspend the provisions of Senate Rule 48(2) and the appointment of Mr. McCullar was confirmed by the Senate.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays: - 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 362.** DESIGNATING REVEREND R. L. HEFLIN DAY IN RANDOLPH COUNTY ON APRIL 26, 1997.

Also:

**HJR 370.** MEMORIALIZING THE UNITED STATES CONGRESS TO SUBMIT TO THE STATES A PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE RIGHT OF EACH PERSON TO CLEAN AIR AND WATER AND TO THE PROTECTION OF OTHER NATURAL RESOURCES.

Also:

**HJR 395.** COMMENDING ROBERT A. GUTHANS AS THE NATIONAL RIVERS HALL OF FAME ACHIEVEMENT AWARD RECIPIENT.

Also:

**HJR 399.** COMMENDING STEFANIE HARRIS AS STATE WINNER OF THE RESPECTEEN NATIONAL YOUTH FORUM.

Also:

**HJR 401.** COMMENDING ALBERTA N. RICHARDSON UPON HER SELECTION AS MURPHY HIGH SCHOOL TEACHER OF THE YEAR.

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 554.** To amend Section 26-1-2, Code of Alabama 1975, relating to durable powers of attorney; authorizing the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate,

after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### BUDGET ISOLATION RESOLUTION

Senator Sanders requested and received permission to suspend the Rules in order to bring up the Bill, SB 643.

Senator Sanders, B.I.R., SB 643, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 643.** To amend Section 16-11-3.1, Code of Alabama 1975, relating to the appointment of city boards of education in Class 5 municipalities, to specify when the members of the board would take office.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 94.** To amend Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, to provide further for the procedural authority of the Farmers' Market Authority relative to the lease, disposal, and sale of real property of the department; provide further for the members of the authority; to authorize the issuing, selling, and refunding of revenue bonds; to provide certain tax exemptions, to establish a debt service reserve fund; and provide further for the duties and funds of the authority.

PAT LINDSEY,  
Chairperson.

## BUDGET ISOLATION RESOLUTION

Senator Dixon requested and received permission to suspend the Rules in order to bring up the Bill, SB 229.

Senator Dixon, B.I.R., SB 229, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

## BILLS ON THIRD READING RESUMED

THE BILL:

**SB 229.** To amend Section 36-16-11 of the Code of Alabama 1975, to exempt property of the Department of Mental Health and Mental Retardation from inventory control by the State Auditor.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 32 Nays 0



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Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Hale requested and received permission to suspend the Rules in order to bring up the Bill, HB 565.

Senator Hale, B.I.R., HB 565, adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 565.** To amend Sections 34-8-1, 34-8-7, and 34-8-9, Code of Alabama 1975, to provide further for the Licensing Board for General Contractors and to provide for a delayed effective date.

was read a third time at length and passed.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-32

Nays:

- 0

## BUDGET ISOLATION RESOLUTION

Senator Myers requested and received permission to suspend the Rules in order to bring up the Bill, SB 335.

Senator Myers, B.I.R., SB 335, adopted.

Yeas 19 Nays 2

Yeas:

Senators:

Armistead, Bedford, Biddle, Butler, Davidson, Freeman, Hale, Langford, Lindsey, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -19

Nays:

Senators:

Dixon and Lipscomb - 2

## BILLS ON THIRD READING RESUMED

### THE BILL:

**SB 335.** To provide for the establishment of the Alabama Higher Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to public institutions of higher education to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, SB 335, to-wit:

### AMENDMENT TO SB 335

Amend SB 335 on Page 8, Line 7, after the period “(.)” by inserting the following new language:

“Provided, however, when employing investment bankers, underwriters, financial advisors, or attorneys, the authority shall retain firms whose principal offices are located in this state.”

Further amend SB 335 on Page 9, Line 21, after “charges,” by inserting the following language:

“agent costs,”

Further amend SB 335 on Page 13, Line 12, by deleting the existing language “in its discretion” and inserting in lieu thereof the following new language:

“with the participating educational institutions approval”

Which was adopted.

Yeas 19 Nays 2

Yeas:

Senators:

Armistead, Bedford, Biddle, Butler, Davidson, Freeman, Hale, Langford, Lindsey, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -19

Nays:

Senators:

Dixon and Lipscomb - 2

And said Bill, SB 335, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 2

Yeas:

Senators:

Armistead, Bailey, Biddle, Butler, Davidson, Dixon, Escott-Russell, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -22

Nays:

Senators:

Adams and Lipscomb - 2

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 512.** To amend Sections 17-16-25 and 17-16-50, Code of

Alabama 1975, to make certain voter lists available to the county party chairpersons of each political party.

PAT LINDSEY,  
Chairperson.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 447.** Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to provide requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and other persons with obligations to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; to provide an aggrieved party a hearing process and restitution; and to provide for an appropriation to the State Insurance Department from the Service Contract Revolving Fund for the fiscal year ending September 30, 1998.

PAT LINDSEY,  
Chairperson.

### **BILL RECONSIDERED**

On motion of Senator Smitherman, the Senate reconsidered the vote by which the Bill, SB 351, was passed.

On motion of Senator Smitherman, the Senate reconsidered the vote by which the Bill, SB 351, was ordered to its third reading.

Senator Smitherman then offered the following amendment to the Bill, SB 351, to-wit:

**AMENDMENT TO SB 351**

On page 3, line 14, after the word "subdivision" insert the following:

"; and to exempt Class 1 municipalities from the provisions of this act"

On page 17, after line 28, insert a new Section 14 to read as follows and renumber succeeding sections accordingly:

"Section 15. Class 1 municipalities shall be exempt from the provisions of this act."

Which was adopted.

Yeas 22 Nays 2

Yeas:

Senators:

Armistead, Bailey, Biddle, Butler, Davidson, Dixon, Escott-Russell, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -22

Nays:

Senators:

Adams and Lipscomb - 2

And said Bill, SB 351, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 2

Yeas:

Senators:

Armistead, Bailey, Biddle, Butler, Davidson, Dixon, Escott-Russell, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -22

Nays:

Senators:

Adams and Lipscomb - 2

**BUDGET ISOLATION RESOLUTION**

Senator Lindsey requested and received permission to suspend the

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Rules in order to bring up the Bill, SB 403.

Senator Lindsey, B.I.R., SB 403, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Armistead, Bedford, Butler, Davidson, Escott-Russell, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, and Steele -19

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 403.** To provide for mandatory hospital and physician data collections; to provide for the Alabama Department of Public Health as the designated agency to compile and analyze the collected data; to provide for the collection of data; to provide for an advisory board; and to provide for the submission of the data.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 0

Yeas:

Senators:

Armistead, Bedford, Butler, Davidson, Escott-Russell, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, and Steele -19

Nays:

- 0

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor with the date and hour of delivery, to-wit:

SJR 113   SJR 114   SJR 115   SB 427   SB 541

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Delivered to the Governor on April 24, 1997, at 10:52 A.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 4:15 P.M., on motion of Senator Adams, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Tuesday, April 29, 1997, at 11 o'clock A.M.

## **TWENTY-FIFTH LEGISLATIVE DAY**

**TUESDAY, APRIL 29, 1997**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Pastor Robert Varner, Grace Bible Church, Dothan, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Drew Hill, Ashford Academy, Ashford, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.



## JOURNAL

And on motion of Senator Freeman, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

## LEAVE OF ABSENCE

On motion of Senator Freeman, leave of absence was granted Senator Ghee for today.

## MOTION TO ADJOURN

Senator Freeman moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 1, 1997, at 10 o'clock A.M., which motion was adopted.

## BUDGET ISOLATION RESOLUTION

Senator Myers requested and received permission to suspend the Rules in order to bring up the Bill, HB 277.

Senator Myers, B.I.R., HB 277, adopted.

Yeas 15 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Butler, Clay, Dial, Freeman, Hale, Hill, McClain, Mitchem, Myers, Poole, and Roberts -15

Nays:

- 0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

## BILLS ON THIRD READING

THE BILL:

**HB 277.** To provide for the establishment of the Alabama Higher Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to public institutions of higher education to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

was taken up.

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The Standing Committee on Education reported the following amendment to the Bill, HB 277, to-wit:

**AMENDMENT TO HB 277**

Amend HB 277 on Page 7, Line 12, after the period “(.)” by inserting the following new language:

“Provided, however, when employing investment bankers, underwriters, financial advisors, or attorneys, the authority shall retain firms whose principal offices are located in this state.”

Further amend HB 277 on Page 8, Line 24, after “charges,” by inserting the following language:

“agent costs,”

Further amend HB 277 on Page 12, Line 11, by deleting the existing language “in its discretion” and inserting in lieu thereof the following new language:

“with the participating educational institutions approval”

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Butler, Clay, Davidson, Dial, Dixon, Freeman, Hale, Hill, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Waggoner, and Windom -21

Nays:

- 0

And said Bill, HB 277, as thus amended, was read a third time at length and passed.

Yeas 21 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Biddle, Butler, Clay, Davidson, Dial, Dixon, Freeman, Hale, Hill, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Waggoner, and Windom -21

Nays:

- 0

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 335.** To provide for the establishment of the Alabama Higher Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to public institutions of higher education to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 351.** To authorize the incorporation of Alabama Drinking Water Finance Authority; to provide for the powers, authority and duties of its board of directors; to create and establish a state drinking water revolving loan fund; to authorize the authority to receive federal grants, state appropriations, and other appropriations and contributions; to authorize the authority to make agreements with the United States of America and its agencies and departments respecting the receipt, use and application of federal grants and contributions; to provide that the Alabama Department of Environmental Management shall be the agent of the authority in connection with the said revolving loan fund and loans made by the authority and to confer upon said department full power and authority to take such actions as shall be necessary to cause the authority and the department to be and remain eligible for assistance from the United States of America with respect to grants available for safe drinking water; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of bonds and other securities, to be sold and issued and payable at such times and on such conditions as the directors may determine; to provide that all bonds and securities shall be payable solely from the sources specified in this act, including, without limitation, proceeds of bonds or other securities, amounts

on deposit in the said revolving fund, federal grants, loan repayments and interest income; to authorize the authority to refund any bonds issued by it at such times, in such amounts and on such terms as the directors shall determine; to authorize the authority to obtain such credit enhancement in connection with any borrowing as the directors may determine to be advantageous; to authorize the authority to make loans to certain public bodies in the state and to determine the conditions on which such loans are to be made; to authorize the authority to enforce the provisions of such loan and to authorize each public body which is the recipient of any such loan to make all agreements as a condition precedent to such loan as may be required by the authority, the Alabama Department of Environmental Management or federal law; to authorize the authority to invest the proceeds of bonds or other securities, amounts on deposit in the said revolving loan fund, amounts appropriated or contributed to the authority or the Alabama Department of Environmental Management, by the state or the United States of America or any public body receiving a loan; to authorize the authority to appoint and engage one or more banks to receive, invest and disburse, as specified by the authority, all amounts on deposit in the said revolving loan fund and other funds received by the authority from any source; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision; and to exempt Class 1 municipalities from the provisions of this act.

PAT LINDSEY,  
Chairperson.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 680.** Establishing the Child Abandonment Act; to amend Section 26-18-6, Code of Alabama 1975; to allow in personam and in rem jurisdiction over an abandoned child; and to provide for service by publication in certain cases involving an abandoned child.

PAT LINDSEY,  
Chairperson.

**RECESS**

At 11:45 A.M., on motion of Senator Windom, the Senate took a recess until 1:45 P.M.

Yeas 27 Nays 1

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -27

Nay: Senator Lindsey

- 1

The recess period having expired, at 1:45 P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 116.** URGING THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO REMOVE THE ENVIRONMENTAL CONTAMINATION AT THE INTERSTATE LEAD COMPANY SUPERFUND SITE IN LEEDS, ALABAMA.

Also:

**SJR 117.** COMMENDING MR. EARL MCDONALD OF FAYETTE COUNTY, ALABAMA.

Also:

**SJR 119.** EXPRESSING OPPOSITION TO TVA PROPOSAL TO ELIMINATE FUNDING FOR NONPOWER PROGRAMS.

Also:

**SJR 121.** COMMENDING JACK GAULDIN FOR OUTSTANDING SERVICE TO OUR YOUTH.

Also:

**SJR 122.** COMMENDING THE CARROLLTON LADY INDIANS BASKETBALL TEAM ON ITS STATE CHAMPIONSHIP SEASON.

Also:

**SJR 123.** COMMENDING THE TUSCALOOSA ACADEMY BOYS BASKETBALL TEAM ON CAPTURING ITS 3A STATE CHAMPIONSHIP.

Also:

**SJR 125.** COMMENDING THE OPEN DOOR BAPTIST LADY EAGLES BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 127.** COMMENDING MR. AND MRS. TEDDY R. BRASHER, JR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

**SJR 128.** RENAMING THE CHILTON COUNTY AREA VOCATIONAL CENTER IN CLANTON, ALABAMA, THE W. A. "BING" LECROY VOCATIONAL CENTER.

Also:

**SJR 129.** REQUESTING A RECESS FROM NOON UNTIL 1:30 P.M. ON MAY 1, 1997, TO OBSERVE THE 1997 NATIONAL DAY OF PRAYER.

GREG PAPPAS,  
Clerk.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

**SB 307.** Relating to Jefferson County; to amend Section 3 of

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Act No. 95-783, H. 808 of the 1995 Regular Session; to repeal the preclusion relating to the distribution of the lodging tax.

Also:

**SB 491.** Relating to Jefferson County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

Also:

**SB 639.** Relating to Calhoun County; establishing the Fort McClellan Development Commission; providing for the composition, terms, duties, and powers of the commission.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

**SB 75.** Relating to Mobile County; to provide for an expense allowance to members of the board of directors of water, sewer, and fire protection authorities in Mobile County.

Also:

**SB 525.** Relating to Mobile County; amending Act 90-697, H. 991, 1990 Regular Session (Acts 1990, p. 1352), as amended by Act 95-445, S. 451, 1995 Regular Session (Acts 1995, p. 941), which provides for the creation, maintenance, and regulation of districts for fighting or preventing fires, to provide further for the election of the members of the board of trustees and for the filling of vacancies.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint

Resolution and returns same herewith to the Senate:

**SJR 124.** COMMENDING THE TUSCALOOSA CHRISTIAN  
GIRLS BASKETBALL TEAM ON ITS CHAMPIONSHIP.

GREG PAPPAS,  
Clerk.

## RESOLUTION

The Standing Committee on Rules offered the following Senate  
Resolution, to-wit:

### **SR 130.** SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills  
shall be the paramount and continuing order of business immediately upon  
adoption of this resolution for the Twenty-Fifth Legislative Day of the 1997  
Regular Session and for each day thereafter taking precedence over all other  
business until disposed of:

Page

Committee reports at the call of the Chair.

By Rep. Fuller:

**HB 98.**

212

General fund budget, appropriation for ordinary expenses  
of executive, legislative, and judicial departments

By Sen. Amari:

**SB 671.**

185

Motor vehicles, DUI offenders, issuance of distinctive  
driver's license under cert. conditions, add'l. fee

By Rep. Buskey:

**HB 389.**

128

Discrimination in employment based on age, prohib.

By Sen. Freeman:

**SB 560.**

130

Alcoholic Beverage Control Bd., special license estab. for  
golf courses

By Sen. Bedford:

**SB 87.**

32

County law enforcement officers, min. comp., Sec. 36-21-  
10 am'd.



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By Rep. Venable:

**HB 312.**

162

Campaign financing, election laws re alt., penalties, Secs.  
17-22A-2, 17-22A-7, 17-22A-22, 36-25-1, 36-25-6, 36-  
25-14, 36-25-15 am'd.

Senator Poole offered the following substitute for the Resolution,  
SR 130, to-wit:

**SUBSTITUTE FOR SR 130**

**SR 130. SPECIAL ORDER CALENDAR.**

On motion of Senator Freeman, said substitute was laid on the table.

Senator Lindsey offered the following substitute for the Resolu-  
tion, SR 130, to-wit:

**SUBSTITUTE FOR SR 130**

**SR 130. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bills  
shall be the paramount and continuing order of business immediately upon  
adoption of this resolution for the Twenty-Fifth Legislative Day of the 1997  
Regular Session and for each day thereafter taking precedence over all other  
business until disposed of:

Page

By Rep. Fuller:

**HB 98.**

212

General fund budget, appropriation for ordinary expenses  
of executive, legislative, and judicial departments

By Sen. Amari:

**SB 671.**

185

Motor vehicles, DUI offenders, issuance of distinctive  
driver's license under cert. conditions, add'l. fee

By Rep. Buskey:

**HB 389.**

128

Discrimination in employment based on age, prohib.

By Sen. Freeman:

**SB 560.**

130

Alcoholic Beverage Control Bd., special license estab. for  
golf courses

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By Sen. Bedford:  
**SB 87.** 32  
County law enforcement officers, min. comp., Sec. 36-21-10 am'd.

By Rep. Venable:  
**HB 312.** 162  
Campaign financing, election laws re alt., penalties, Secs. 17-22A-2, 17-22A-7, 17-22A-22, 36-25-1, 36-25-6, 36-25-14, 36-25-15 am'd.

Which was adopted.

Yeas 24 Nays 3

Yeas:

Senators:

Amari, Bailey, Barron, Biddle, Butler, Clay, Davidson, Dial, Escott-Russell, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-24

Nays:

Senators:

Adams, Lipscomb, and Poole - 3

Senator Windom offered the following substitute for the Resolution, SR 130, as amended, to-wit:

**SUBSTITUTE FOR SR 130, AS AMENDED**

**SR 130. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business immediately upon adoption of this resolution for the Twenty-Fifth Legislative Day of the 1997 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

Page

By Rep. Fuller:  
**HB 98.** 212  
General fund budget, appropriation for ordinary expenses of executive, legislative, and judicial departments

Committee Reports

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By Sen. Amari:	
<b>SB 671.</b>	185
Motor vehicles, DUI offenders, issuance of distinctive driver's license under cert. conditions, add'l. fee	
By Rep. Buskey:	
<b>HB 389.</b>	128
Discrimination in employment based on age, prohib.	
By Sen. Freeman:	
<b>SB 560.</b>	130
Alcoholic Beverage Control Bd., special license estab. for golf courses	
By Sen. Bedford:	
<b>SB 87.</b>	32
County law enforcement officers, min. comp., Sec. 36-21-10 am'd.	
By Rep. Venable:	
<b>HB 312.</b>	162
Campaign financing, election laws re alt., penalties, Secs. 17-22A-2, 17-22A-7, 17-22A-22, 36-25-1, 36-25-6, 36-25-14, 36-25-15 am'd.	

Which was adopted.

Yeas 23 Nays 7

Yeas:

Senators:

Amari, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Freeman, Hale, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Smith, Smitherman, Waggoner, and Windom -23

Nays:

Senators:

Adams, Figures, Langford, Lindsey, Lipscomb, Poole, and Sanders - 7

On motion of Senator Freeman, said Resolution, SR 130, as thus amended, was then adopted by the Senate.

**SPECIAL ORDER**  
**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

**HB 98.** To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1998.

The Standing Committee on Economic Expansion and Trade reported the following substitute for the Bill, HB 98, to-wit:

**SUBSTITUTE FOR HB 98**

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1998.

On motion of Senator Freeman, said substitute was laid on the table.

Senator Freeman then offered the following substitute for the Bill, HB 98, to-wit:

**SUBSTITUTE FOR HB 98**

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1998.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

**SECTION 1.** The monies in Section 2 are appropriated from the named funds for the 1997-98 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies and that the following definitions shall be applicable:

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(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries, and shall be expended only for such purposes.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.

(e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

**SECTION 2.** There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1998, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included  
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
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**2A. LEGISLATIVE:**  
**1. EXAMINERS OF PUBLIC**  
**ACCOUNTS,**  
**DEPARTMENT OF:**

(a) Legislative Support-Audit

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		Fund Sources Included In Apropiation Total		
		General Fund	Earmarked Funds	Appropriation Total
Services Program .....				12,586,493
SOURCE OF FUNDS:				
(1) State General Fund .....		11,086,493		
(2) Federal and Local Funds .....			1,500,000	
Total Department of Examiners of Public Accounts .....		11,086,493	1,500,000	12,586,493
<p>The Department of Examiners of Public Accounts is hereby authorized to examine as deemed necessary all appropriations herein made for compliance with the laws of the State of Alabama. Any examination performed shall be in accordance with the provisions of Title 41, Chapter 5, Code of Alabama 1975.</p>				
<b>2. LAW INSTITUTE, ALABAMA:</b>				
(a) Support of Other Educational Activities Program .....				367,571
SOURCE OF FUNDS:				
(1) State General Fund .....		367,571		
Total Alabama Law Institute .....		367,571		367,571
<b>3. LEGISLATIVE COUNCIL:</b>				
(a) Legislative Operations and Support Program .....				292,055
SOURCE OF FUNDS:				
(1) State General Fund .....		292,055		
Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.				
Total Legislative Council ..		292,055		292,055
<b>4. LEGISLATIVE FISCAL OFFICE:</b>				
(a) Legislative Operations and Support Program .....				1,293,639
SOURCE OF FUNDS:				
(1) State General Fund .....		1,293,639		

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		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
Total Legislative Fiscal Office .....		1,293.639		1,293.639
<b>5.</b>	<b>LEGISLATIVE REFER- ENCE SERVICE:</b>			
	(a) Legislative Operations and Support Program .....			2,036.954
	SOURCE OF FUNDS:			
	(1) State General Fund .....	2,036.954		
	Total Legislative Reference Service .....	2,036.954		2,036.954
<b>6.</b>	<b>LEGISLATURE:</b>			
	(a) Legislative Operations and Support Program .....			15,730.887
	The appropriation to the Legislature shall be ex- pended under the provisions set forth in Section 29-1-22, Code of Alabama 1975. It is the intent of the Legisla- ture that (1) at least \$35,000 shall be allocated for each of the following committees: Senate Finance and Taxa- tion-Education Committee, the Office of the Senate Pro Tempore, the Senate Com- mittee on Economic Expans- ion and Trade, the Senate Rules Committee, the House Ways and Means Commit- tee, the Office of the House Pro Tempore, and the House Rules Committee; (2) \$20,000 shall be allocated to the Senate Floor Leader's Office; (3) an amount not to exceed \$50,000 shall be al- located to the Office of Pre- siding Officer of the Senate; (4) \$7,000 shall be allocated to the Permanent Municipal Government Committee as required by Sections 29-2-60			

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
through 29-2-62, Code of Alabama 1975; and (5) at least \$300,000 shall be allocated for the Permanent Legislative Committee on Reapportionment. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.				
(b) Office of the Speaker of the House of Representatives ..				627,000
SOURCE OF FUNDS:				
(1) State General Fund .....	16,357,887			
Total Legislature .....	16,357,887			16,357,887
<b>2B. JUDICIAL:</b>				
<b>1. COURT OF CIVIL APPEALS:</b>				
(a) Court Operations Program .....				2,894,997
SOURCE OF FUNDS:				
(1) State General Fund .....	2,894,997			
Total Court of Civil Appeals .....	2,894,997			2,894,997
<b>2. COURT OF CRIMINAL APPEALS:</b>				
(a) Court Operations Program .....				3,058,873
SOURCE OF FUNDS:				
(1) State General Fund .....	3,058,873			
Total Court of Criminal Appeals .....	3,058,873			3,058,873
<b>3. JUDICIAL INQUIRY COMMISSION:</b>				
(a) Administrative Services Program .....				176,560
SOURCE OF FUNDS:				
(1) State General Fund .....	176,560			
Total Judicial Inquiry Commission .....	176,560			176,560
<b>4. JUDICIAL RETIREMENT FUND:</b>				



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		Fund Sources Included <u>In Aproppiation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
(a) Retirement Systems Pro- gram .....				1,449,000
SOURCE OF FUNDS:				
(1) State General Fund .....		1,449,000		
Total Judicial Retirement Fund .....		1,449,000		1,449,000
<b>5. SUPREME COURT:</b>				
(a) Court Operations Program .....				5,964,189
SOURCE OF FUNDS:				
(1) State General Fund .....		5,964,189		
Total Supreme Court .....		5,964,189		5,964,189
Of the above appropriation to the Supreme Court, the sum of \$125,000 shall be used to fund the Alabama Supreme Court Commission on Dispute Resolution.				
<b>6. SUPREME COURT LI- BRARY:</b>				
(a) Court Operations - Library Service Program .....				1,360,022
SOURCE OF FUNDS:				
(1) State General Fund .....		1,360,022		
Total Supreme Court Li- brary .....		1,360,022		1,360,022
<b>7. UNIFIED JUDICIAL SYSTEM:</b>				
(Administrative Office of Courts)				
(a) Court Operations Program .....				89,645,151
(b) Administrative Services Program .....				3,513,541
(c) DUI Referral Program .....				65,092
(d) Fringe Benefit Program, Estimated .....				545,000
(e) Court Equipment and Court Security Program .....				921,704
(f) Judicial Building Operations Program .....				3,984,869
SOURCE OF FUNDS:				
(1) State General Fund .....		93,451,072		
(2) State General Fund-So-				

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	Fund Sources Included		
	<u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
cial Security-County Judicial. Estimated .....	545,000		
(3) State General Fund Transfer-Juvenile Justice Coordinating Council.....		20,000	
In accordance with Section 12-15-131, Code of Alabama 1975.			
(4) State General Fund Transfer-Juvenile Justice Coordinating Council in St. Clair County .....	50,000		
(5) Court Referral Officer Fund .....		2,280,460	
In accordance with Sections 12-23-1 through 12-23-19, Code of Alabama 1975.			
(6) Juvenile Justice Coordinating Council Fund ....		4,195	
(7) Court Automation Fund ..		1,124,630	
In accordance with Section 12-19-180, Code of Alabama 1975.			
(8) Federal Funds .....		1,200,000	
Total Unified Judicial System .....	94,066,072	4,609,285	98,675,357
Of the above appropriation to the Court Operations Program, \$850,000 shall be expended for the court reporters' pay increase authorized in House Bill 27 of the 1997 Regular Session of the Alabama Legislature and such amount is conditioned upon the enactment of that legislation.			

2C. EXECUTIVE:  
1. ACADEMY OF HONOR,  
ALABAMA:

(a) Historical Resources Management Program .....		5,000
SOURCE OF FUNDS:		
(1) State General Fund .....	5,000	
As provided in Section		

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
41-11-6. Code of Alabama 1975, and an additional amount.			
Total Alabama Academy of Honor .....	5,000		5,000

**2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:**

- (a) Professional and Occupational Licensing and Regulation Program ..... 712,000

**SOURCE OF FUNDS:**

- (1) Alabama State Board of Public Accountancy Fund ..... 712,000

As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy .....	712,000	712,000
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**3. ADJUSTMENT, BOARD OF:**

- (a) Special Services Program .. 841,420

**SOURCE OF FUNDS:**

- (1) State General Fund, Estimated ..... 833,020

For expenditures as provided in Sections 31-3-2 and 36-30-2, Code of Alabama 1975, and for payment of claims against

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
voided warrants.				
(2) State General Fund-Administrative Costs .....		8,400		
As provided by Section 41-9-73, Code of Alabama 1975.				
Total Board of Adjustment ..		841,420		841,420
<b>4. AERONAUTICS, DEPARTMENT OF:</b>				
(a) Aeronautical Administration Program .....				579,033
(b) Airport Improvement Program, Estimated .....				375,000
To be used only as grants awarded by the Alabama Aeronautics Commission for the general promotion, advancement, education and safety of aeronautics and for the improvement of airports or other aeronautical facilities in the State of Alabama.				
(c) Civil Air Patrol Program ...				75,000
SOURCE OF FUNDS:				
(1) State General Fund-Civil Air Patrol Program .....		75,000		
(2) Airports Development Fund-Aviation Fuel Tax As provided by Section 4-2-42, Code of Alabama 1975.			889,033	
(3) Airports Development Fund-Federal Funds ....			65,000	
Total Department of Aeronautics .....		75,000	954,033	1,029,033
<b>5. AGING, COMMISSION ON:</b>				
(a) Planning and Advocacy for the Elderly Program .....				19,275,192
(b) Economic Assistance Program .....				10,624,390
SOURCE OF FUNDS:				

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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(1) State General Fund .....	2,386,904		
(2) State General Fund- Medicaid Waiver .....	3,356,673		
(3) Federal and Local Funds .....		24,156,005	
Total Commission on Aging .....	5,743,577	24,156,005	29,899,582

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the state's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled." The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

**6. AGRICULTURAL AND  
CONSERVATION DEVELOPMENT COMMISSION:**

(a) Water Resource Development Program .....		2,201,902
SOURCE OF FUNDS:		
(1) State General Fund- Transfer .....	2,126,902	
(2) Alabama Agricultural and Conservation De-		

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		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
	velopment Commission Revolving Fund .....		75,000	
	As provided in Section 9- 8A-4.1, Code of Ala- bama 1975.			
	Total Agricultural and Con- servation Development Commission .....	2,126,902	75,000	2,201,902
<b>7.</b>	<b>AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALA- BAMA:</b>			
	(a) Agricultural Development Services Program .....			35,050
	SOURCE OF FUNDS:			
	(1) State General Fund .....	35,050		
	Total Alabama Agricultural and Industrial Exhibit Com- mission .....	35,050		35,050
<b>8.</b>	<b>AGRICULTURAL CENTER BOARD:</b>			
	(a) Agricultural Development Services Program .....			1,300,974
	SOURCE OF FUNDS:			
	(1) State General Fund .....	164,963		
	For expense and award- ing of prizes for fairs as provided in Section 2-7- 21, Code of Alabama 1975, and other livestock shows and exhibits and other activities.			
	(2) State General Fund- Operations .....	394,646		
	(3) State General Fund- Livestock Coliseum .....	282,365		
	(4) Livestock Coliseum Fund .....		459,000	
	Total Agricultural Center Board .....	841,974	459,000	1,300,974
<b>9.</b>	<b>AGRICULTURAL MUSEUM BOARD, ALABAMA:</b>			

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		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
		Appropriation Total	
(a) Agricultural Promotional Program .....			135,000
SOURCE OF FUNDS:			
(1) State General Fund .....		135,000	
Total Alabama Agricultural Museum Board .....		135,000	135,000
It is the intent of the Legis- lature that the appropriation made hereinabove to the Alabama Agricultural Mu- seum Board may be used for Capital Outlay purposes by the Board.			

**10. AGRICULTURE AND  
INDUSTRIES, DEPART-  
MENT OF:**

(a) Administrative Services Program .....	2,802,495
Of the above appropriation, \$130,000 shall be trans- ferred to the Alabama Aquaculture Center in Gadsden and \$50,000 shall be expended for the Blount/ Oneonta Agriculture Center and \$150,000 shall be ex- pended by the State Clima- tologist.	
(b) Agricultural Inspection Services Program .....	13,347,254
Of the above appropriation, \$2,000,000 shall be allo- cated to the Boll Weevil Eradication Program and \$100,000 shall be allocated for fire ant eradication/re- search at the Department of Entomology at Auburn Uni- versity.	
(c) Laboratory Analysis and Disease Control Program ..	4,525,371
Of the above appropriation, \$350,000 shall be allocated for the Auburn Diagnostic Laboratory and \$250,000	

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Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
shall be allocated for the Poultry Diagnostic Labora- tory at Hanceville.			
(d) Animal Damage Control Program .....			150,000
(e) Agricultural Development Services Program .....			1,784.447
SOURCE OF FUNDS:			
(1) State General Fund .....	10,387,567		
(2) Federal and Local Funds .....		2,472,238	
(3) Shipping Point Inspec- tion Fund .....		4,450,000	
Pursuant to Sections 2-9- 20 et seq., Code of Ala- bama 1975.			
(4) Egg Inspection Fund ....		22,000	
(5) Agricultural Fund .....		5,277,762	
Total Department of Agri- culture and Industries .....	10,387,567	12,222,000	22,609,567

In addition to the above ap-  
proportion to the Depart-  
ment of Agriculture and In-  
dustries, there is hereby ap-  
propriated \$1,000,000 for  
capital outlay for a Poultry  
Science Building to be con-  
ditioned upon 1) the failure  
to enact legislation to pro-  
vide for the Alabama Agri-  
cultural Development Au-  
thority Bond Issue and 2)  
the availability of funds in  
the State General Fund and  
the approval of the Gover-  
nor.

**11. AIRPORT AUTHORITY,  
ALABAMA INTERNA-  
TIONAL:**

(a) Airport Development and Aeronautical Support Pro- gram .....			70,000
SOURCE OF FUNDS:			
(1) State General Fund .....	70,000		
Total Alabama International Airport Authority .....	70,000		70,000



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		Fund Sources Included In <u>Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
<b>12.</b>	<b>ALABAMA TRUST FUND BOARD:</b>			
	(a) Administrative Program ....			25,000
	SOURCE OF FUNDS:			
	(1) State General Fund .....	25,000		
	Total Alabama Trust Fund Board.....	25,000		25,000
<b>13.</b>	<b>ALCOHOLIC BEVERAGE CONTROL BOARD, ALA- BAMA:</b>			
	(a) Product Management Pro- gram .....			31,000,000
	(b) Enforcement Program .....			8,000,000
	(c) Administrative Services Program .....			6,590,000
	The appropriation to the Ala- bama Alcoholic Beverage Control Board shall include a transfer to the State Gen- eral Fund of \$6,100,000. The above transfer shall be made from the operating funds of the Alcoholic Bev- erage Control Board and shall not affect any distribu- tion of revenue generated from the sale of alcoholic beverages.			
	SOURCE OF FUNDS:			
	(1) ABC Board Fund .....		45,590,000	
	In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board,			

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Fund Sources Included  
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
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after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the state shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipi-

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		Fund Sources Included In <u>Apropiation Total</u>	
	General Fund	Earmarked Funds	Appropriation Total
<p>pality of such malt or brewed beverages.</p> <p>Total Alabama Alcoholic Beverage Control Board ....</p>		45,590,000	45,590,000
<b>14. ARCHITECTS, BOARD FOR REGISTRATION OF:</b>			
<p>(a) Professional and Occupa- tional Licensing and Regu- lation Program .....</p> <p>SOURCE OF FUNDS:</p> <p>(1) Fund of the Board for Registration of Archi- tects .....</p> <p>As provided in Section 34-2-41, Code of Ala- bama 1975.</p> <p>Total Board for Registra- tion of Architects .....</p>		256,000	256,000
		256,000	
		256,000	256,000
<b>15. ARCHIVES AND HIS- TORY, DEPARTMENT OF:</b>			
<p>(a) Historical Resources Man- agement Program .....</p> <p>The above appropriation in- cludes adequate funds to op- erate the Records Retention Program.</p> <p>SOURCE OF FUNDS:</p> <p>(1) State General Fund .....</p> <p>(2) Archives Historical Collections Fund .....</p> <p>In accordance with Sec- tion 41-6-71, Code of Alabama 1975.</p> <p>(3) Archives Services Fund ...</p> <p>In accordance with Sec- tion 41-6-76, Code of Alabama 1975.</p> <p>Total Department of Ar- chives and History .....</p>	3,030,250	10,001	3,090,251
		50,000	
	3,030,250	60,001	3,090,251
<b>16. ATHLETE AGENT REGU- LATORY COMMISSION:</b>			

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		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
			Appropriation Total
(a) Professional and Occupational Licensing and Regulation Program .....			25,000
SOURCE OF FUNDS:			
(1) Athlete Agent Regulatory Commission Fund ..			25,000
As provided in Section 8-26-17, Code of Alabama 1975.			
Total Athlete Agent Regulatory Commission .....			25,000
			25,000
<b>17. ATHLETIC TRAINERS, ALABAMA BOARD OF:</b>			
(a) Professional and Occupational Licensing and Regulation Program .....			29,082
SOURCE OF FUNDS:			
(1) Alabama Athletic Trainers Fund .....			29,082
As provided in Section 34-40-14, Code of Alabama 1975.			
Total Alabama Board of Athletic Trainers .....			29,082
			29,082
<b>18. ATTORNEY GENERAL, OFFICE OF THE:</b>			
(a) Legal Advice and Legal Services Program .....			12,196,243
(b) Fair Marketing Practices Program .....			685,376
SOURCE OF FUNDS:			
(1) State General Fund .....		7,665,511	
(2) State General Fund - Consumer Protection ...		675,376	
(3) State General Fund - Consumer Utility Rate Hearing .....		250,000	
(4) Federal Funds .....			1,534,379
(5) Miscellaneous Receipts ...			2,671,353
(6) Attorney General's Litigation Support Fund ...			85,000
In accordance with Section 36-15-4.2, Code of			

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
Alabama 1975.				
Total Office of the Attorney General .....		8,590,887	4,290,732	12,881,619
<b>19.</b>	<b>AUCTIONEERS, ALABAMA STATE BOARD OF:</b>			
	(a) Professional and Occupational Licensing and Regulation Program .....			119,158
	SOURCE OF FUNDS:			
	(1) State Board of Auctioneers Fund .....		119,158	
	Total Alabama State Board of Auctioneers .....		119,158	119,158
<b>20.</b>	<b>AUDITOR, STATE:</b>			
	(a) Fiscal Management Program .....			623,569
	SOURCE OF FUNDS:			
	(1) State General Fund .....	623,569		
	Total State Auditor .....	623,569		623,569
<b>21.</b>	<b>BANKING DEPARTMENT, STATE:</b>			
	(a) Charter, License and Regulate Financial Institutions Program .....			5,806,866
	SOURCE OF FUNDS:			
	(1) Banking Assessment Fees .....		4,943,816	
	As provided in Section 5-2A-20, Code of Alabama 1975.			
	(2) Loan Examination Fund .....		863,050	
	As provided in Sections 5-2A-24, 5-16-38.1, and 5-18-5, Code of Alabama 1975.			
	Total State Banking Department .....		5,806,866	5,806,866
<b>22.</b>	<b>BAR ASSOCIATION, ALABAMA STATE:</b>			

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		Fund Sources Included <u>In Apropiation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
(a) Professional and Occupational Licensing and Regulation Program .....				3,183,669
SOURCE OF FUNDS:				
(1) State Bar Association Fund .....			2,897,355	
As provided in Sections 34-3-4 and 34-3-44, Code of Alabama 1975.				
(2) Federal and Local Funds.....			286,314	
As provided in Sections 34-3-17 and 34-3-18, Code of Alabama 1975.				
Total Alabama State Bar Association .....			3,183,669	3,183,669
<hr/>				
23.	<b>BEAR CREEK DEVELOPMENT AUTHORITY:</b>			
(a) Water Resource Development Program .....				50,000
SOURCE OF FUNDS:				
(1) State General Fund .....		50,000		
Total Bear Creek Development Authority .....		50,000		50,000
<hr/>				
24.	<b>BUILDING COMMISSION, STATE:</b>			
(a) Special Services Program..				1,136,778
SOURCE OF FUNDS:				
(1) State General Fund .....		438,792		
(2) Miscellaneous Funds ...			697,986	
Total State Building Commission .....		438,792	697,986	1,136,778
<hr/>				
25.	<b>BUILDING RENOVATION FINANCE AUTHORITY, ALABAMA:</b>			
(a) Administrative Support Services Program .....				9,021,541
SOURCE OF FUNDS:				
(1) State General Fund-Transfer .....		1,756,223		
(2) Departmental Receipts,				

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		Fund Sources Included In Apropiation Total		
		General Fund	Earmarked Funds	Appropriation Total
Estimated .....		7,265,318		
Total Alabama Building Renovation Finance Au- thority .....		1,756,223	7,265,318	9,021,541
26.	<b>CAHABA ADVISORY COMMITTEE:</b>			
(a) Historical Resources Man- agement Program .....				175,000
SOURCE OF FUNDS:				
(1) State General Fund .....		175,000		
Total Cahaba Advisory Committee .....		175,000	175,000	
27.	<b>CHILD ABUSE AND NEGLECT PREVENTION BOARD:</b>			
(a) Social Services Program .... In accordance with Sections 26-16-1 et seq., Code of Ala- bama 1975.				2,935,949
SOURCE OF FUNDS:				
(1) State General Fund- Transfer .....		2,076,124		
(2) Children's Trust Fund, Estimated .....		859,825		
Total Child Abuse and Ne- glect Prevention Board .....		2,076,124	859,825	2,935,949
Of the above appropriation to the Child Abuse and Ne- glect Prevention Board, \$1,400,000 shall be ex- pended to upstart implemen- tation and technical asistance for grants for ser- vices to children.				
28.	<b>CHILDREN'S SERVICES FACILITATION TEAM:</b>			
(a) Human Services Program ..				200,000
SOURCE OF FUNDS:				
(1) State General Fund .....		100,000		
(2) Departmental Receipts ..		100,000		
As provided in Section 12-				

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
15-174, Code of Alabama 1975.				
Total Children's Services Facilitation Team .....		100,000	100,000	200,000
<b>29.</b>	<b>CHIROPRACTIC EXAM- INERS, ALABAMA STATE BOARD OF:</b>			
(a)	Professional and Occupa- tional Licensing and Regu- lation Program .....			202,000
	SOURCE OF FUNDS:			
(1)	Alabama State Board of Chiropractic Exam- iners Fund .....		202,000	
	As provided in Section 34-24-143, Code of Ala- bama 1975.			
	Total Alabama State Board of Chiropractic Examiners ..		202,000	202,000
<b>30.</b>	<b>CHOCOLOCOCO CREEK WATERSHED CONSER- VANCY DISTRICT:</b>			
(a)	Water Resource Develop- ment Program .....			19,763
	SOURCE OF FUNDS:			
(1)	State General Fund .....	19,763		
	Total Choccolocco Creek Watershed Conservancy District .....	19,763		19,763
<b>31.</b>	<b>CHOCTAWHATCHEE, PEA AND YELLOW RIV- ERS WATERSHED MAN- AGEMENT AUTHORITY:</b>			
(a)	Water Resource Develop- ment Program .....			246,688
	SOURCE OF FUNDS:			
(1)	State General Fund .....	246,688		
	Total Choctawhatchee, Pea and Yellow Rivers Water- shed Management Author- ity .....	246,688		246,688



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1959

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
32.	<b>CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:</b>			
(a)	State Land Manage- ment Program .....			2,960,125
(b)	Outdoor Recreation Sites and Services Program .....			29,738,871
	Of the above appropriation, \$100,000 shall be trans- ferred to the Madison County Commission for the Sharon Johnson Park.			
(c)	Marine Police Program .....			5,510,518
(d)	Wildlife Game and Fish Program .....			21,642,177
(e)	Marine Resources Pro- gram .....			3,298,876
(f)	Administrative Services Program .....			4,637,675
(g)	Capital Outlay Program .....			10,816,254
	The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Ma- rine Fisheries Commission operation expenses. The ap- propriation to the Depart- ment of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.			
	SOURCE OF FUNDS:			
(1)	State General Fund- Transfer-Game and Fish Fund .....	729,680		
	To implement the provi- sions of Federal Regula- tion 50CFR 80.4(a)(3).			
(2)	State General Fund- Transfer-Outdoor Rec- reation Sites and Ser- vices .....	100,000		
(3)	Game and Fish Fund- Licenses, Fines, Fees,			

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Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds
		Appropriation Total
Interest Income and Other Departmental Re- ceipts .....		14,242,497
(4) Game and Fish Fund- Federal and Local Funds .....		7,090,000
(5) State Lands Fund .....		2,885,125
(6) Marine Resources Fund- Licenses, Taxes, Fines and Other Departmental Receipts .....		2,108,876
(7) Marine Resources Fund- Federal and Local Funds .....		1,340,000
In addition to the mon- ies hereinabove appro- priated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine bio- logical research per- formed or accomplished at the Marine Resources Division Laboratory at Dauphin Island are hereby appropriated and may be expended by the Commissioner of Con- servation on such Marine Resources Division pro- grams or projects which he deems appropriate.		
(8) Marine Police Fund-Li- censes, Fines, Taxes and Other Departmental Re- ceipts .....		4,960,518
(9) Marine Police Fund- Federal and Local Funds .....		850,000
(10) State Parks Fund .....		500,202
(11) State Parks Fund-Act 96-785 .....		9,796,254
(12) Parks Revolving Fund, Estimated .....		25,138,669
(13) State Parks Fund-Cig- arette Tax .....		4,000,000

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1961

	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
(14) Administrative Funds ..		4,637,675	
(15) Forever Wild Trust			
Fund Transfer .....		225,000	
The funds hereinabove appropriated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.			
Total Department of Con- servation and Natural Re- sources .....	829,680	77,774,816	78,604,496

**33. CONTRACTORS, STATE  
LICENSING BOARD FOR  
GENERAL:**

- (a) Professional and Occupa-  
tional Licensing and Regu-  
lation Program ..... 759,236

**SOURCE OF FUNDS:**

- (1) State Licensing Board  
for General Contractors  
Fund ..... 759,236  
Pursuant to Section 34-  
8-25, Code of Alabama  
1975. In addition to the  
amounts appropriated  
hereinabove to the State  
Licensing Board for  
General Contractors,  
there is hereby appropri-  
ated such an amount as  
may be necessary to pay  
the refund of any appli-  
cation for license which  
may have been rejected  
by the Board or applica-  
tion withdrawn by re-  
quest of applicant.

Total State Licensing Board for General Contractors .....	759,236	759,236
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**34. CORRECTIONS, DE-  
PARTMENT OF:**

- (a) Administrative Services and  
Logistical Support Program ..... 9,854,864

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		Fund Sources Included <u>In Appropriation Total</u>	
		General Fund	Earmarked Funds
			Appropriation Total
Of the above appropriation, \$225,000 shall be expended to develop a statewide automated criminal database to track convicted sex offenders biometrically by having the offender call in to the automated tracking system on a daily basis.			
(b)	Institutional Services Corrections Program .....		171,499,375
Of the above appropriation, \$3,000,000 shall be expended for the completion and/or the operation of the Brent facility.			
(c)	Correctional Agricultural and Industries Program .....		20,179,248
The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Agricultural and Industries Program.			
SOURCE OF FUNDS:			
(1)	State General Fund .....	160,316,251	
(2)	Department of Corrections Industrial Revolving Fund .....		20,179,248
The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.			

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1963

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
(3) Drug Demand Reduc- tion Fund .....			289,843	
In accordance with Sec- tion 13A-12-283, Code of Alabama 1975.				
(4) Federal Funds .....			869,530	
(5) Correctional Agricultural Fund .....			3,378,615	
(6) Departmental Re- ceipts .....			16,500,000	
Total Department of Correc- tions .....		160,316,251	41,217,236	201,533,487
<hr/>				
<b>35.</b>	<b>COSMETOLOGY, ALA- BAMA BOARD OF:</b>			
(a) Professional and Occupa- tional Licensing and Regu- lation Program .....				731,190
SOURCE OF FUNDS:				
(1) Alabama Board of Cos- metology Fund .....			731,190	
As provided in Section 34-7-42, Code of Ala- bama 1975.				
Total Alabama Board of Cosmetology .....			731,190	731,190
<hr/>				
<b>36.</b>	<b>COUNSELING, ALABAMA BOARD OF EXAMINERS IN:</b>			
(a) Professional and Occupa- tional Licensing and Regu- lation Program .....				255,366
SOURCE OF FUNDS:				
(1) Alabama Board of Ex- aminers in Counseling Fund .....			255,366	
As provided in Section 34-8A-6, Code of Ala- bama 1975.				
Total Alabama Board of Examiners in Counseling ..			255,366	255,366
<hr/>				
<b>37.</b>	<b>CREDIT UNION ADMINIS- TRATION, ALABAMA:</b>			

1964 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
(a) Charter, License and Reg- ulate Financial Institutions Program .....				712,310
SOURCE OF FUNDS:				
(1) Alabama Credit Union Administration Fund ...			712,310	
As provided in Section 5- 17-7, Code of Alabama 1975.				
Total Alabama Credit Union Administration .....			712,310	712,310
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<b>38.</b>	<b>CRIME VICTIMS COM- PENSATION COMMIS- SION, ALABAMA:</b>			
(a) Special Services Program, Estimated .....				1,572,900
SOURCE OF FUNDS:				
(1) Alabama Crime Victims Compensation Commis- sion Fund, Estimated ...			1,572,900	
To be expended in accor- dance with Sections 15- 23-1 through 15-23-23, Code of Alabama 1975.				
Total Alabama Crime Victims Compensation Commission .....			1,572,900	1,572,900
<hr/>				
<b>39.</b>	<b>CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:</b>			
(a) Criminal Justice Informa- tion Services Program .....				5,019,976
SOURCE OF FUNDS:				
(1) State General Fund .....		2,430,792		
(2) Miscellaneous Re- ceipts .....			2,000	
(3) Federal and Local Funds .....			2,587,184	
Total Alabama Criminal Justice Information Center ..		2,430,792	2,589,184	5,019,976
<hr/>				
<b>40.</b>	<b>DEVELOPMENT OFFICE, ALABAMA:</b>			

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1965

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
(a) Promotional Development Program-Alabama Film Commission .....				237,081
(b) Industrial Development Program-Alabama Develop- ment Office .....				4,668,531
SOURCE OF FUNDS:				
(1) State General Fund-Ala- bama Development Of- fice .....		4,568,531		
(2) State General Fund-Ala- bama Film Commis- sion .....		237,081		
(3) Departmental Receipts			100,000	
Total Alabama Develop- ment Office .....		4,805,612	100,000	4,905,612
<hr/>				
<b>41. DIETETICS/NUTRITION PRACTICE, ALABAMA STATE BOARD OF EXAM- INERS FOR:</b>				
(a) Professional and Occupa- tional Licensing and Regu- lation Program .....				60,000
SOURCE OF FUNDS:				
(1) State Board of Dietetics/ Nutrition Fund .....			60,000	
As provided in Section 34-34A-8, Code of Ala- bama 1975.				
Total Alabama State Board of Examiners for Dietetics/ Nutrition Practice .....			60,000	60,000
<hr/>				
<b>42. DISTRICT ATTORNEYS:</b>				
(a) Court Operations Program ..				19,559,069
The proposed spending plan included in the above total is as follows:				
Salaries of District Attor- neys .....		3,735,719		
For the use of the elected Assistant District Attor- ney of the Bessemer Divi- sion of the 10th Judicial Cir- cuit .....		204,793		

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Fund Sources Included  
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
Salaries and expenses of Su- pernumerary District			
Attorneys.....	1,740,913		
For use in the District			
Attorney's Office of the fol- lowing Judicial Circuits:			
1st Judicial			
Circuit .....	217,642		
2nd Judicial			
Circuit .....	223,269		
3rd Judicial			
Circuit .....	298,486		
4th Judicial			
Circuit .....	558,924		
5th Judicial			
Circuit .....	529,797		
6th Judicial			
Circuit .....	517,456		
7th Judicial			
Circuit .....	410,511		
8th Judicial			
Circuit .....	283,686		
9th Judicial			
Circuit .....	269,721		
10th Judicial			
Circuit .....	752,764		
11th Judicial			
Circuit .....	222,658		
12th Judicial .....			
Circuit .....	435,703		
13th Judicial			
Circuit .....	593,716		
14th Judicial			
Circuit .....	255,968		
15th Judicial .....			
Circuit .....	616,500		
16th Judicial			
Circuit .....	375,486		
17th Judicial			
Circuit .....	229,040		
18th Judicial .....			
Circuit .....	451,522		
19th Judicial			
Circuit .....	336,962		
20th Judicial .....			
Circuit .....	404,373		
21st Judicial			
Circuit .....,.....	261,031		



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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
22nd Judicial				
Circuit .....	284,010			
23rd Judicial				
Circuit .....	587,568			
24th Judicial				
Circuit .....	233,423			
25th Judicial				
Circuit .....	247,461			
26th Judicial				
Circuit .....	351,999			
27th Judicial				
Circuit .....	279,965			
28th Judicial				
Circuit .....	371,532			
29th Judicial				
Circuit .....	405,012			
30th Judicial				
Circuit .....	327,343			
31st Judicial				
Circuit .....	208,027			
32nd Judicial				
Circuit .....	290,144			
33rd Judicial				
Circuit .....	243,139			
34th Judicial				
Circuit .....	180,031			
35th Judicial				
Circuit .....	240,369			
36th Judicial				
Circuit .....	171,514			
37th Judicial				
Circuit .....	311,318			
38th Judicial				
Circuit .....	262,046			
39th Judicial				
Circuit .....	220,962			
40th Judicial				
Circuit .....	189,505			
Travel Expenses of District Attorneys.....				
Investigators Subsistence-Section 36-21-2, Code of Alabama 1975 .....				
166,885				
SOURCE OF FUNDS:				
(1) State General				
Fund .....		19,559,069		
Total District Attor-				
neys .....		19,559,069		19,559,069

1968 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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Fund Sources Included  
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
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In addition to the above appropriations to the District Attorneys, there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor to be distributed as follows:

1st Judicial Circuit .	17,187
2nd Judicial Circuit .	17,188
3rd Judicial Circuit .	17,187
4th Judicial Circuit .	35,000
5th Judicial Circuit .	35,000
6th Judicial Circuit .	35,000
7th Judicial Circuit .	35,000
8th Judicial Circuit .	25,000
9th Judicial Circuit .	25,000
10th Judicial Circuit .	35,000
11th Judicial Circuit .	25,000
12th Judicial Circuit .	25,000
13th Judicial Circuit .	35,000
14th Judicial Circuit .	25,000
15th Judicial Circuit .	35,000
16th Judicial Circuit .	25,000
17th Judicial Circuit .	17,188
18th Judicial Circuit .	25,000
19th Judicial Circuit .	35,000
20th Judicial Circuit .	25,000
21st Judicial Circuit .	17,187
22nd Judicial Circuit .	17,188
23rd Judicial Circuit .	35,000
24th Judicial Circuit .	17,187
25th Judicial Circuit .	17,188
26th Judicial Circuit .	17,187
27th Judicial Circuit .	25,000
28th Judicial Circuit .	25,000
29th Judicial Circuit .	25,000
30th Judicial Circuit .	25,000
31st Judicial Circuit .	17,188
32nd Judicial Circuit .	25,000
33rd Judicial Circuit .	25,000
34th Judicial Circuit .	17,187
35th Judicial Circuit .	17,188
36th Judicial Circuit .	17,187
37th Judicial Circuit .	25,000
38th Judicial Circuit .	17,188
39th Judicial Circuit .	17,187

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1969

Fund Sources Included  
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
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40th Judicial Circuit . 17,188  
Bessemer Division of the 10th  
Judicial Circuit ..... 35,000

**43. ECONOMIC AND COMMUNITY AFFAIRS,  
ALABAMA DEPARTMENT  
OF:**

(a) Administrative Support Program .....	7,622,867
(b) Planning Program .....	54,561,621
Of the above appropriation, at least \$600,000 shall be spent for the Regional Planning Commissions; \$60,000 shall be spent for the Alabama Council of Economic Education; \$75,000 shall be spent for the Waste Reduction and Technology Transfer Foundation; \$50,000 shall be spent for the Alabama Commission on Aerospace Science and Industry; \$180,000 shall be spent on rural water programs; \$385,000 shall be expended for Small Business Incubator Programs; \$225,000 shall be used for the Ft. McClellan Reuse and Redevelopment Authority; and \$150,000 shall be transferred to the Industrial Development Board in Cullman County.	
(c) Special Services Program ..	25,000,000
(d) Skills Enhancement and Employment Opportunities Program .....	54,836,255
(e) Energy Management Program .....	5,719,213
(f) Law Enforcement Planning and Development Program ..	14,330,147
(g) Surplus Property Program ...	4,477,422
(h) PALS/Adopt-a-Mile Program .....	150,000
(i) Economic Development Re-	

1970 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
gional Revolving Loan Policy Committee .....			250,000
To be utilized pursuant to Section 41-23-50 Code of Alabama 1975.			
(j) Water Resources Program ...			2,000,000
SOURCE OF FUNDS:			
(1) State General Fund .....	13,354,845		
(2) Federal and Local Funds .....		144,421,764	
(3) Administrative Trans- fers and Other Depart- mental Receipts .....		7,194,900	
(4) Administrative Trans- fers from Federal- Donated Surplus Prop- erty Sales, Estimated ...		3,644,150	
(5) Administrative Trans- fers from State-Owned Surplus Property Sales, Estimated .....		331,866	
Total Alabama Department of Economic and Communi- ty Affairs .....	13,354,845	155,592,680	168,947,525

Of the above appropriation to the Department of Economic and Community Affairs from the State General Fund, at least \$800,000 shall be distributed to community action administering agencies based on their populations below the poverty level; provided however, that not more than 10% of each agency's allocation shall be expended for administration and \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore counties and \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Winston and Marion counties. It is the intent of the

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1971

		Fund Sources Included In Appropriation Total	
		General Fund	Appropriation Total
Legislature that the allocations to the Community Action Agencies shall be in addition to all federal funds to which those agencies are normally entitled.			
<b>44. ELECTRICAL CONTRACTORS, BOARD OF:</b>			
(a) Professional and Occupational Licensing and Regulation Program .....			185.000
SOURCE OF FUNDS:			
(1) Alabama Board of Electrical Contractors Fund .....		185.000	
As provided in Section 34-36-17, Code of Alabama 1975.			
Total Board of Electrical Contractors.....		185.000	185.000
<b>45. ELK RIVER DEVELOPMENT AGENCY:</b>			
(a) Water Resource Development Program .....			20.000
SOURCE OF FUNDS:			
(1) State General Fund .....	20.000		
Total Elk River Development Agency .....	20.000		20.000
<b>46. EMERGENCY MANAGEMENT AGENCY:</b>			
(a) Readiness and Recovery Program .....			20,992.222
Of the above appropriation, \$25,000 shall be expended for early warning weather sirens at Hazel Green and \$50,000 shall be expended for an Emergency Warning Project in Limestone County.			
(b) Transfer to County Emergency Management Agen-			

1972 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
cies .....			276,675
The above appropriation of \$276,675 is in addition to the regular allocations to county emergency manage- ment agencies.			
SOURCE OF FUNDS:			
(1) State General Fund .....	1,223,128		
(2) Federal and Local Funds .....		20,045,769	
Total Emergency Manage- ment Agency .....	1,223,128	20,045,769	21,268,897
<b>47. ENERGY BOARD, SOUTH- ERN STATES:</b>			
(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Re- search and Topographic Mapping Program .....			32,572
SOURCE OF FUNDS:			
(1) State General Fund .....	32,572		
Total Southern States Energy Board .....	32,572		32,572
<b>48. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRA- TION FOR PROFES- SIONAL:</b>			
(a) Professional and Occupa- tional Licensing and Regula- tion Program .....			754,791
SOURCE OF FUNDS:			
(1) Professional Engineers Fund .....		754,791	
As provided in Section 34-11-36, Code of Ala- bama 1975.			
Total State Board of Regi- stration for Professional Engineers and Land Sur- veyors .....		754,791	754,791
<b>49. ENVIRONMENTAL MAN-</b>			

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1973

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
<b>AGEMENT, DEPARTMENT</b>				
<b>OF:</b>				
(a) Environmental Management Program .....				81,173,744
Of the above appropriation, \$100,000 shall be expended by the Water Division for Water and Waste Water Training.				
SOURCE OF FUNDS:				
(1) State General Fund-Transfer .....	3,990,105			
(2) State General Fund-Transfer to Water Pollution Control Authority ...	799,638			
(3) State General Fund-Transfer to Hazardous Substance Cleanup Fund.....	36,347			
In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.				
(4) State General Fund-Transfer Water Division .....	100,000			
(5) State General Fund-Transfer to Public Water State Revolving Fund ..	2,500,000			
The above appropriation is conditioned solely upon the passage of legislation establishing the State Revolving Fund Drinking Water Authority during the 1997 Regular Session of the Alabama Legislature.				
(6) Environmental Management Fines and Fees ....			12,203,014	
As provided in Section 22-22A-11, Code of Alabama 1975.				
(7) Federal Funds .....			16,061,615	
(8) Federal Match-Water Pollution Control Authority .....			11,000,000	
(9) Federal Match-Public Water State Revolving				

1974 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
	Fund .....		20,000,000	
(10)	Transfer from Underground and Aboveground Storage Tank Trust Fund .....		705,000	
	As provided in Section 22- 35-9, Code of Alabama 1975.			
(11)	Underground and Above- ground Storage Tank Trust Fund .....		10,705,000	
	As provided in Section 22- 35-5, Code of Alabama 1975.			
(12)	Environmental Education Fund .....		825,000	
	In accordance with Section 32-6-156.1, Code of Ala- bama 1975. To be expended through Legacy, Inc., only.			
(13)	Hazardous Substance Clean- up Fund .....		307,500	
	In accordance with Sections 22-30A-3 through 22-30A- 11, Code of Alabama 1975.			
(14)	SRF Administrative Fees ..		1,940,525	
	In accordance with Section 22-34-3, Code of Alabama 1975.			
	Total Department of Environ- mental Management .....	7,426,090	73,747,654	81,173,744
	In addition to the above ap- propriation, there is appro- priated \$2,500,000 from the State General Fund to the Public Water State Revolv- ing Fund to be conditioned upon the passage of legisla- tion establishing the State Revolving Fund Drinking Water Authority during the 1997 Regular Session of the Alabama Legislature and on the availability of funds in the State General Fund and the approval of the Governor.			

**50. ETHICS COMMISSION,  
ALABAMA:**



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1975

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
(a) Regulation of Public Officials and Employees Program .....				1,116,381
SOURCE OF FUNDS:				
(1) State General Fund .....		1,116,381		
Total Alabama Ethics Commission .....		1,116,381		1,116,381
<b>51. FARMERS' MARKET AUTHORITY:</b>				
(a) Agricultural Development Services Program .....				246,235
(b) Capital Outlay Program .....				100,000
SOURCE OF FUNDS:				
(1) State General Fund .....		156,731		
(2) Farmers' Market Authority Fund .....			189,504	
Total Farmers' Market Authority .....		156,731	189,504	346,235
<b>52. FINANCE, DEPARTMENT OF:</b>				
(a) Fiscal Management Program .....				6,608,530
(b) Administrative Support Services Program .....				79,984,130
Of the above appropriation, \$150,000 is to be expended for the GAAT and CPM Programs.				
(c) Capital Outlay Program .....				800,000
SOURCE OF FUNDS:				
(1) State General Fund .....		8,029,124		
(2) State General Fund-Transfer .....		1,270,198		
(3) Miscellaneous Funds ...			234,000	
(4) Capitol Complex Revolving Fund .....			8,423,339	
(5) Data Center Revolving Fund .....			27,143,171	
(6) Mail and Supply Revolving Fund .....			7,555,791	
(7) Motor Pool Revolving Fund .....			2,216,391	
(8) Printing and Publications				

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		Fund Sources Included In <u>Apropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
	Revolving Fund .....		8,949,879	
(9)	State Insurance Fund- Administration .....		1,415,078	
	As provided in Sections 41-15-1, et seq., Code of Alabama 1975.			
(10)	General Liability Trust Fund-Administration ...		783,423	
	As provided in Sections 36-1-6.1, et seq., Code of Alabama 1975.			
(11)	Employee Injury Com- pensation Trust Fund- Administration .....		798,499	
	As provided in Sections 36-29A-1, et seq., Code of Alabama 1975.			
(12)	Telephone Revolving Fund, Estimated .....		18,573,767	
(13)	Accounting and Admin- istration Fund .....		2,000,000	
	Total Department of Finance .....	9,299,322	78,093,338	87,392,660

In addition to the above ap-  
propriation, there is hereby  
conditionally appropriated  
\$4,000,000 to the Depart-  
ment of Finance from the  
State General Fund to up-  
grade computers for the Year  
2000 conversion, to be con-  
ditioned upon the availabil-  
ity of funds in the State Gen-  
eral Fund, the recommenda-  
tion of the Director of Fi-  
nance, and the approval of  
the Governor.

**53. FLEXIBLE EMPLOYEES  
BENEFIT BOARD:**

- (a) Employee Benefits Pro-  
gram, Estimated ..... 350,880  
In accordance with Sections  
36-29-20 through 36-29-30,  
Code of Alabama 1975.  
SOURCE OF FUNDS:  
(1) Flexible Employees

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1977

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
Benefit Board Fund, Estimated .....			350,880	
Total Flexible Employees Benefit Board .....			350,880	350,880
<b>54.</b>	<b>FOREIGN TRADE RELATIONS COMMISSION:</b>			
(a) Special Services Program ..				150,844
Of the above appropriation, \$50,000 shall be allocated to the Alabama Council for In- ternational Programs.				
SOURCE OF FUNDS:				
(1) State General Fund .....		150,844		
Total Foreign Trade Rela- tions Commission .....		150,844		150,844
<b>55.</b>	<b>FORENSIC SCIENCES, DEPARTMENT OF:</b>			
(a) Forensic Science Services Program .....				13,126,477
SOURCE OF FUNDS:				
(1) State General Fund .....		7,703,153		
(2) Federal and Local Funds .....			975,824	
(3) DNA Fund .....			1,800,000	
(4) Forfeited Assets Fund .			7,500	
(5) Forensic Services Fund ...			640,000	
As provided in Sections 36-18-6 through 36-18-8, Code of Alabama 1975.				
(6) Chemical Test Fund .....			2,000,000	
As provided in Sections 36-18-51 and 32-5A- 191, Code of Alabama 1975.				
Total Department of For- ensic Sciences .....		7,703,153	5,423,324	13,126,477
<b>56.</b>	<b>FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:</b>			
(a) Professional and Occupa- tional Licensing and Regu-				

1978 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
lation Program .....			100,000
SOURCE OF FUNDS:			
(1) Professional Foresters			
Fund .....		100,000	
As provided in Section			
34-12-36, Code of Ala-			
bama 1975.			
Total Alabama State Board			
of Registration for For-			
esters .....		100,000	100,000
<b>57. FORESTRY COMMISSION, ALABAMA:</b>			
(a) Forest Resources Protec-			
tion and Development Pro-			
gram .....			25,946,756
(b) Capital Outlay Program .....			180,000
SOURCE OF FUNDS:			
(1) State General Fund-			
Transfer .....	12,840,479		
(2) Federal and Local			
Funds .....		4,343,177	
(3) Forest Stewardship			
Education Fund .....		500,000	
(4) Forestry Commission			
Fund .....		8,443,100	
Total Alabama Forestry			
Commission .....	12,840,479	13,286,277	26,126,756
Of the above appropriation			
to the Alabama Forestry			
Commission, \$2,686,017			
shall be used for rural and			
community fire protection.			
All monies received by the			
Forestry Commission for			
Volunteer Fire Departments			
or Rural Fire Protection,			
from whatever source, must			
be used for those purposes			
and an accounting of same			
shall be filed with both			
houses of the Legislature			
before the third Legislative			
day of each regular session.			
A plan to notify legislators			
of the funds to be granted to			

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1979

Fund Sources Included  
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
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the Volunteer Fire Departments, prior to the distribution of such funds, shall also be filed with both houses of the Legislature. Of the above appropriation the sum of \$25,000 shall be used to fund the pine beetle infrared survey by the Geography Department of the University of North Alabama.

**58. FOREVER WILD LAND TRUST, BOARD OF:**

(a) Capital Outlay Program .....	3,060,131
(b) Administration Program ....	2,616,350

Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account, in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

**SOURCE OF FUNDS:**

(1) Forever Wild Land Trust Fund .....	5,576,481	
(2) Forever Wild Land Trust Stewardship Account, Estimated .....	100,000	
Total Board of Forever Wild Land Trust .....	5,676,481	5,676,481

The above appropriation is in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

**59. FUNERAL SERVICE, ALABAMA BOARD OF:**

- (a) Professional and Occupational Licensing and Regu-

1980 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
	lation Program .....			166,000
	SOURCE OF FUNDS:			
	(1) Alabama Funeral Directors and Embalmers Fund .....		166,000	
	As provided in Section 34-13-23, Code of Alabama 1975.			
	Total Alabama Board of Funeral Service.....		166,000	166,000
<b>60.</b>	<b>GEOLOGICAL SURVEY:</b>			
	(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program .....			3,423,066
	SOURCE OF FUNDS:			
	(1) State General Fund .....	2,036,668		
	(2) Federal and Local Funds .....		1,386,398	
	Total Geological Survey ....	2,036,668	1,386,398	3,423,066
<b>61.</b>	<b>GEOLOGISTS, ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL:</b>			
	(a) Professional and Occupational Licensing and Regulation Program .....			93,300
	SOURCE OF FUNDS:			
	(1) Alabama Board of Licensure for Professional Geologists Fund .....		93,300	
	As provided in Section 34-41-6, Code of Alabama 1975.			
	Total Alabama Board of Licensure for Professional Geologists .....		93,300	93,300
<b>62.</b>	<b>GORGAS MEMORIAL BOARD:</b>			
	(a) Historical Resources Management Program .....			3,505

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1981

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
<b>SOURCE OF FUNDS:</b>				
(1) State General Fund .....	3,505			
As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.				
Total Gorgas Memorial Board .....	3,505			3,505
<b>63. GOVERNOR'S CONTIN- GENY FUND:</b>				
(a) Executive Direction Program .....				687,500
<b>SOURCE OF FUNDS:</b>				
(1) State General Fund .....	687,500			
Total Governor's Contin- gency Fund .....	687,500			687,500
<b>64. GOVERNOR'S MANSION:</b>				
(a) Executive Direction Program .....				401,798
<b>SOURCE OF FUNDS:</b>				
(1) State General Fund .....	401,798			
Total Governor's Man- sion .....	401,798			401,798
<b>65. GOVERNOR'S MANSION ADVISORY BOARD:</b>				
(a) Historical Resources Man- agement Program .....				6,111
<b>SOURCE OF FUNDS:</b>				
(1) State General Fund .....	6,111			
Total Governor's Man- sion Advisory Board .....	6,111			6,111
<b>66. GOVERNOR'S OFFICE:</b>				
(a) Executive Direction Program .....				2,848,830
<b>SOURCE OF FUNDS:</b>				
(1) State General Fund .....	2,848,830			
Total Governor's Office .....	2,848,830			2,848,830

1982 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
67.	<b>GOVERNOR'S OFFICE ON NATIONAL AND COMMUNITY SERVICE:</b>			
	(a) Executive Direction Pro- gram .....			246,641
	SOURCE OF FUNDS:			
	(1) State General Fund- Transfer .....	69,394		
	(2) Federal Funds .....		177,247	
	Total Governor's Office on National and Community Service .....	69,394	177,247	246,641
68.	<b>HEALTH, DEPARTMENT OF PUBLIC:</b>			
	(a) Personal Health Services Program .....			130,851,157
	(b) Health Support Services Program .....			209,107,493
	Of the amount appropri- ated to support local health department ser- vices, \$5,000,000 shall be used to provide a minimum staff in each of the 67 coun- ties and the remainder shall be allocated to the counties on the basis of need and a match formula to be deter- mined by the Department.			
	(c) Administrative Services Program .....			26,260,842
	Of the above appropriation to the Administrative Ser- vices Program, \$500,000 shall be expended for the de- velopment of a public infor- mation campaign to inform the public of the health haz- ards of tobacco use.			
	SOURCE OF FUNDS:			
	(1) State General Fund .....	38,263,344		
	(2) Cigarette Tax-\$0.01 and \$0.02 .....		1,600,000	
	As provided in Sections			



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1983

Fund Sources Included In <u>Appropriation Total</u>			
	General Fund	Earmarked Funds	Appropriation Total
40-25-2 and 40-25-23, Code of Alabama 1975.			
(3) Vital Statistics Fund ....		3,500,000	
(4) Hospital Licensing Fund .....		550,000	
(5) Emergency Medical Services Fund .....		115,000	
As provided in Section 22-18-4, Code of Ala- bama 1975.			
(6) Local Health Depart- ments .....		131,105,729	
(7) Milk Processing Fee ....		45,000	
In accordance with Sec- tions 20-1-140 through 20-1-146, Code of Ala- bama 1975.			
(8) Radiation Safety Fund ...		1,000,000	
(9) Miscellaneous Funds ...		22,369,811	
(10) Federal Funds .....		131,170,608	
(11) Alabama Legacy for En- vironmental Research Trust Fund .....		500,000	
As provided in Section 22-30B-19, Code of Ala- bama 1975.			
(12) Health-Medicaid Fund .....		36,000,000	
Total Department of Public Health .....	38,263,344	327,956,148	366,219,492

Of the above appropriation to the Department of Public Health, at least \$2,000,000 shall be spent on perinatal activities. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

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**69. HEALTH PLANNING  
 AGENCY, STATE:**

(a) Health Planning Development and Regulation Program .....		1,025,000	
SOURCE OF FUNDS:			
(1) Certificate of Need			
Fees .....	900,000		
(2) Departmental Receipts	125,000		
Total State Health Planning Agency .....	1,025,000	1,025,000	

**70. HEARING INSTRUMENT  
 DEALERS, ALABAMA  
 BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program .....		54,000	
SOURCE OF FUNDS:			
(1) Hearing Instrument Dealers Fund .....	54,000		
As provided in Section 34-14-33, Code of Alabama 1975.			
Total Alabama Board of Hearing Instrument Dealers .....	54,000	54,000	

**71. HEATING AND AIR  
 CONDITIONING CONTRACTORS, BOARD  
 OF:**

(a) Professional and Occupational Licensing and Regulation Program .....		459,000	
SOURCE OF FUNDS:			
(1) Heating and Air Conditioning Contractors Fund .....	459,000		
As provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975.			
Total Board of Heating and Air Conditioning Contractors .....	459,000	459,000	

**72. HERITAGE TRUST FUND,  
 ALABAMA:**

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1985

		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
			Appropriation Total
(a) Fiscal Management			
Program .....			20,000
SOURCE OF FUNDS:			
(1) Heritage Trust Income ...		20,000	
Total Alabama Heritage			
Trust Fund .....		20,000	20,000
<b>73. HISTORIC BLAKELEY</b>			
<b>AUTHORITY:</b>			
(a) Historical Resources Man-			
agement Program .....			350,000
SOURCE OF FUNDS:			
(1) State General Fund .....		350,000	
Total Historic Blakeley Au-			
thority .....		350,000	350,000
<b>74. HISTORIC CHAT-</b>			
<b>TAHOOCHEE COMMIS-</b>			
<b>SION:</b>			
(a) Historical Resources Man-			
agement Program .....			218,180
SOURCE OF FUNDS:			
(1) State General Fund .....		218,180	
Total Historic Chatta-			
hoochee Commission .....		218,180	218,180
Of the above appropriation,			
\$100,000 shall be allocated			
for the Chattahoochee Indian			
Heritage Association.			
<b>75. HISTORIC IRONWORKS</b>			
<b>COMMISSION:</b>			
(a) Historical Resources Man-			
agement Program .....			386,057
SOURCE OF FUNDS:			
(1) State General Fund .....		386,057	
Total Historic Ironworks			
Commission .....		386,057	386,057
<b>76. HISTORICAL COMMIS-</b>			
<b>SION, ALABAMA:</b>			
(a) Historical Resources Man-			

1986 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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Fund Sources Included In Appropriation Total		
	General Fund	Appropriation Total
agement Program .....		4,956,278
(b) Capital Outlay Program .....		160,000
SOURCE OF FUNDS:		
(1) State General Fund-		
Transfer .....	3,255,934	
The above appropriation shall be distributed as follows:		
Historical Commission, Alabama .....		1,468,298
Historical Commission, Alabama-La-Grange .....		16,000
Historical Commission-Ft. Payne, Bridgeport and Stevenson. Historical Depots/Museums .....		60,000
Historical Commission, Alabama-Houston Library Athens ....		30,000
Historical Commission, Alabama-Magnolia Grove .....		27,124
Historical Commission, Alabama-Fort Morgan .....		129,198
Historical Commission, Alabama-Joe Wheeler House .....		35,000
Historical Commission, Alabama-Fort Toulouse .....		127,500
Historical Commission, Alabama-John T. Morgan House, Selma .....		8,180
Historical Commission, Alabama-Cahaba .....		125,000
The administrative fee charged by the Alabama Historical Commission to the Cahaba Account shall not exceed 3% of the above amount.		
Historical Commission, Alabama-Gaines-		

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1987

Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
wood .....	52,998		
Historical Commission, Alabama-Fendall Hall .....	137,000		
Historical Commission, Alabama-State Cap- itol .....	769,636		
Helen Keller's Birth place .....	35,000		
Historical Commission, Mooresville Restoration Project for Pre-1840 Buildings .....	30,000		
Historical Commission- Roxy Theatre, Rus- sellville .....	35,000		
Historical Commission, Alabama-Cornwall Fur- nace .....	20,000		
Historical Commission, Alabama-Restoration of the Court House in Monroeville ....	150,000		
(2) Soldiers Fund .....		369,794	
As provided in Section 40-8-3, Code of Alabama 1975.			
(3) Alabama State Histori- cal Preservation Fund- Departmental Receipts ..		965,550	
(4) Federal and Local Funds .....		525,000	
Total Alabama Historical Commission .....	3,255,934	1,860,344	5,116,278

**77. HOME BUILDERS LICEN-  
SURE BOARD:**

(a) Professional and Occupa- tional Licensing and Regu- lation Program .....	1,534,525
SOURCE OF FUNDS:	
(1) Home Builders Licen- sure Board Fund .....	1,034,525
In accordance with Sec- tions 34-14A-1 through 34-14A-17, Code of Ala- bama 1975.	

1988 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(2) Home Builders Licensure Board Recovery Fund .....		500,000	
Total Home Builders Licensure Board .....		1,534,525	1,534,525

**78. HUMAN RESOURCES,  
DEPARTMENT OF:**

(a) Human Services Program ..... 464,615,925

It is the intent of the Legislature that the Department provide adequate funding for therapeutic foster care and residential care facilities. It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Of the above appropriation, at least \$2.4 million shall be expended for Before and After School Care programs; at least \$7 million shall be expended for therapeutic foster care and \$1,000,000 shall be expended for residential foster care in addition to any and all funds from whatever sources being expended for such purposes in FY 1997; and at least \$300,000 shall be expended for Adult Day Care. Of the above appropriation, \$2 million shall be expended to hire additional Child Protection Services workers. Of the above appropriation, \$3,350,000 shall be expended for child care for the working poor and child care for teen mothers enrolled in public education in addition to any and all funds from whatever

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1989

Fund Sources Included  
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
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sources being expended for such purposes in FY 1997. The Alabama Department of Human Resources will, subject to the approval of the Welfare Oversight Committee, develop program standards and implement ongoing evaluations of the operating principles of the child care management agencies for the purpose of quality improvement of child day care. Of the above appropriation, \$5,405,956 shall be expended for child care and transportation programs developed by the department pursuant to Senate Bill 457 of the 1997 Regular Session. Allotments to the county departments based on the counties' populations according to the 1990 census are as follows: county populations greater than 50,000 - \$3,500; county populations less than 50,000 - \$2,000.

- (b) County Departments-Local Welfare Reform Initiatives Program.....

5,000,000

The above appropriation shall constitute a Local Welfare Reform Initiatives Fund. Each county department of Human Resources may apply for a grant, not to exceed \$100,000, for welfare initiatives in the county. Each grant application shall be submitted to the Commissioner of Human Resources and the State Welfare Reform Coordinating Council created in Senate Bill 457 in the 1997 Regular Session. The Commissioner of Human Resources shall evalu-

1990 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
ate the grant applications and make recommendations to the State Welfare Reform Coordinating Council for its approval. The State Welfare Reform Coordinating Coun- cil shall approve or disap- prove the grant applications within 60 days of their sub- mission to the Council.			
SOURCE OF FUNDS:			
(1) State General Fund- Transfer .....	47,520,112		
(2) Federal and Local Funds .....		310,349,269	
(3) Whiskey Tax .....		21,800,000	
(4) Beer Tax .....		9,400,000	
(5) Pension Residue .....		20,773,431	
(6) Sales Tax .....		1,322,000	
(7) Sales Tax for Foster Care .....		1,000,000	
(8) Franchise Tax .....		19,500,000	
(9) Child Support Collec- tions .....		6,343,113	
(10) Sales Tax for Food Stamps, Estimated .....		23,400,000	
In accordance with Sec- tion 40-23-35, Code of Alabama 1975.			
(11) Cigarette Tax .....		4,000,000	
(12) Contractor's Gross Re- ceipts Tax .....		2,700,000	
(13) Foster Care Trust Fund .....		100,000	
(14) Child Support Interest and Fees .....		480,000	
(15) Miscellaneous Re- ceipts .....		928,000	
Total Department of Hu- man Resources .....	47,520,112	422,095,813	469,615,925

**79. INDIAN AFFAIRS COM-  
MISSION, ALABAMA:**

- (a) Social Services Program .... 286,000  
The above appropriation is  
to be expended in accor-  
dance with Sections 41-9-



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1991

		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
		Appropriation Total	
708 et seq., Code of Alabama 1975.			
SOURCE OF FUNDS:			
(1) State General Fund .....	200,000		
(2) Federal and Local Funds .....		86,000	
Total Alabama Indian Affairs Commission .....	200,000	86,000	286,000
<b>80. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:</b>			
(a) Industrial Development Program .....		350,000	
SOURCE OF FUNDS:			
(1) SIDA Application Fees Fund .....		350,000	
Total State Industrial Development Authority .....		350,000	350,000
<b>81. INDUSTRIAL RELATIONS, DEPARTMENT OF:</b>			
(a) Employment Security Program .....		46,207,103	
(b) Industrial Safety and Accident Prevention Program .....		5,076,755	
(c) Administrative Services Program .....		15,286,357	
(d) Workers' Compensation Program .....		5,133,059	
(e) Capital Outlay Program .....		100,000	
SOURCE OF FUNDS:			
(1) State General Fund .....	718,887		
(2) Federal and Local Funds .....		71,084,387	
Total Department of Industrial Relations .....	718,887	71,084,387	71,803,274
<b>82. INSURANCE, DEPARTMENT OF:</b>			
(a) Regulatory Services Program .....		7,936,010	
(1) Fire Marshal's Fund ....		225,200	

1992 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
		Appropriation Total	
As provided in Sections 34-33-11, 8-17-211, and 8-17-255, Code of Ala- bama 1975.			
(2) Insurance Agents and Brokers Continuing Ed- ucation Fund .....			791,906
As provided in Section 27-2-39, Code of Ala- bama 1975.			
(3) Examination Revolving Fund .....			4,093,799
(4) Insurance Department Fund .....			2,825,105
As provided in Section 27-8A-10, Code of Ala- bama 1975.			
Total Department of In- surance .....			
		7,936,010	7,936,010
<b>83. INSURANCE BOARD, STATE EMPLOYEES':</b>			
(a) Administrative Support Services Program .....			1,351,100
SOURCE OF FUNDS:			
(1) State Employees' Insur- ance Board Expense Fund .....			1,351,100
Total State Employees' In- surance Board .....		1,351,100	1,351,100
<b>84. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:</b>			
(a) Professional and Occupat- ional Licensing and Regula- tion Program .....			29,500
SOURCE OF FUNDS:			
(1) Interior Design Fund ... As provided in Section 34- 15A-7, Code of Alabama 1975.		29,500	
Total Alabama State Board of Registration for Interior Designers .....		29,500	29,500

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1993

		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
<b>85. LABOR, DEPARTMENT OF:</b>			
(a) Regulatory Services Program .....			309,889
SOURCE OF FUNDS:			
(1) State General Fund .....	309,889		
Total Department of Labor ..	309,889		309,889
<b>86. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF:</b>			
(a) Professional and Occupational Licensing and Regulation Program .....			52,677
SOURCE OF FUNDS:			
(1) Landscape Architect's Fund .....		52,677	
As provided in Section 34-17-6, Code of Alabama 1975.			
Total Board of Examiners of Landscape Architects ....		52,677	52,677
<b>87. LIEUTENANT GOVERNOR, OFFICE OF THE:</b>			
(a) Legislative Operations and Support Program .....			627,939
SOURCE OF FUNDS:			
(1) State General Fund .....	627,939		
Total Office of the Lieutenant Governor .....	627,939		627,939
<b>88. LIQUEFIED PETROLEUM GAS BOARD:</b>			
(a) Regulatory Services Program .....			634,000
SOURCE OF FUNDS:			
(1) Liquefied Petroleum Gas Board Fund .....		544,000	
(2) Liquefied Petroleum Gas Research and Education Fund .....		90,000	
Total Liquefied Petroleum Gas Board .....		634,000	634,000

1994 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
<b>89.</b>	<b>LIVESTOCK MARKET BOARD, ALABAMA PUB- LIC:</b>			
	(a) Agricultural Development Service Program .....			3,500
	SOURCE OF FUNDS:			
	(1) Alabama Public Live- stock Market Fund .....		3,500	
	In accordance with Sec- tions 2-15-115 through 2- 15-127, Code of Ala- bama 1975.			
	Total Alabama Public Live- stock Market Board .....		3,500	3,500
<b>90.</b>	<b>MANUFACTURED HOUS- ING COMMISSION, ALA- BAMA:</b>			
	(a) Regulatory Services Pro- gram .....			1,803,086
	SOURCE OF FUNDS:			
	(1) Alabama Manufactured Housing Commission Fund .....		1,803,086	
	As provided in Section 24-6-4, Code of Alabama 1975.			
	Total Alabama Manu- factured Housing Com- mission .....		1,803,086	1,803,086
<b>91.</b>	<b>MASSAGE THERAPY, ALABAMA BOARD OF:</b>			
	(a) Professional and Occupa- tional Licensing and Regu- lation Program .....			60,500
	SOURCE OF FUNDS:			
	(1) Alabama Board of Mas- sage Therapy Fund .....		60,500	
	As provided in Section 34-43-14, Code of Ala- bama 1975.			
	Total Alabama Board of Massage Therapy .....		60,500	60,500

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1995

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
<b>92. MEDICAID AGENCY, ALABAMA:</b>				
(a) Medical Assistance through Medicaid Program .....				2,205,881,051
The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A87 and Health Care Financing Ad- ministration guidelines) for services provided.				
SOURCE OF FUNDS:				
(1) State General Fund .....	171,294,453			
(2) Transfer from Depart- ment of Human Re- sources .....			10,834,560	
(3) Transfer from Depart- ment of Mental Health and Mental Retardation			76,436,211	
(4) Transfer from Commis- sion on Aging .....			3,168,000	
(5) Transfer from Depart- ment of Public Health .			13,176,167	
(6) Transfer from Depart- ment of Youth Services ...			126,720	
(7) Transfer from Depart- ment of Rehabilitation Services .....			2,217,600	
(8) Public Hospitals Trans- fer .....			356,729,385	
(9) Departmental Receipts ....			2,500,000	
(10) Federal and Local Funds .....			1,527,425,311	
(11) Alabama Health Care Trust Fund .....			29,500,000	
(12) Transfer from Univer- sity of Alabama in Birmingham .....			920,400	
(13) Drug Rebates .....			11,481,407	
(14) Unencumbered Balance Brought Forward .....			70,837	
Total Alabama Medicaid Agency .....	171,294,453	2,034,586,598	2,205,881,051	
In addition to the above ap- propriation, there is also ap- propriated any local funds or				



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1997

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
Transfer .....	69,574,911		
(2) Special Mental Health Trust Fund .....		110,702,338	
For Operations and Main- tenance of the Department of Mental Health and Mental Retardation and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indi- gent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.			
(3) Cigarette Tax .....		1,600,000	
(4) Departmental Receipts		2,000,000	
(5) Indigent Offender Al- cohol/Drug Treatment Fund .....		154,500	
(6) Federal and Local Funds .....		191,752,715	
Total Department of Mental Health and Mental Retard- ation .....	69,574,911	306,209,553	375,784,464

Of the above appropriations for Mental Illness Services and Substance Abuse Services, funds shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administra-

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		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
		Appropriation Total	
tive Code (Section 580-1-1-.19). Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds.			
<b>95. MILITARY DEPARTMENT:</b>			
(a) Military Operations Program .....			5,013,369
SOURCE OF FUNDS:			
(1) State General Fund-Operations .....	1,541,851		
(2) State General Fund-Quarterly Allowances Headquarters.....	1,450,000		
(3) State General Fund-Active Military Service ...	7,500		
(4) State General Fund-Transfer to Armory Commission .....	2,010,018		
(5) State General Fund-Dropping Allowance ....	1,000		
(6) State General Fund-State Defense Force.....	3,000		
Total Military Department ..	5,013,369		5,013,369
<b>96. MILITARY DEPARTMENT - ARMORY COMMISSION OF ALABAMA:</b>			
(a) Military Operations Program .....			8,895,924
(b) Capital Outlay Program.....			4,571,000
SOURCE OF FUNDS:			
(1) Transfer from Military Department .....		2,010,018	
(2) Federal and Local Funds.....		11,325,397	
(3) Military Department Billeting Revolving			



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1999

		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
			Appropriation Total
	Fund. Estimated.....		91,509
	(4) Departmental Receipts..		40,000
	The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund.		
	Total Armory Commission of Alabama.....		13,466,924
			13,466,924
<b>97.</b>	<b>MOTOR SPORTS HALL OF FAME:</b>		
	(a) Historical Resources Management Program .....		131,522
	SOURCE OF FUNDS:		
	(1) State General Fund .....	131,522	
	Total Motor Sports Hall of Fame .....	131,522	131,522
<b>98.</b>	<b>MUSIC HALL OF FAME, ALABAMA:</b>		
	(a) Fine Arts Program .....		220,559
	SOURCE OF FUNDS:		
	(1) State General Fund .....	220,559	
	Total Alabama Music Hall of Fame .....	220,559	220,559
<b>99.</b>	<b>NURSING, ALABAMA BOARD OF:</b>		
	(a) Professional and Occupa-		

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		Fund Sources Included In Apropriation Total	
		General Fund	Earmarked Funds
		Appropriation Total	
tional Licensing and Reg- ulation Program .....			2,626,790
SOURCE OF FUNDS:			
(1) Alabama Board of Nursing Trust Fund .....			2,626,790
As provided in Sections 34-21-1 through 34-21- 43, Code of Alabama 1975.			
Total Alabama Board of Nursing .....		2,626,790	2,626,790
<b>100. NURSING HOME ADMIN- ISTRATORS, BOARD OF EXAMINERS OF:</b>			
(a) Professional and Occupa- tional Licensing and Regu- lation Program .....			88,000
SOURCE OF FUNDS:			
(1) Board of Examiners of Nursing Home Admin- istrators Fund .....			88,000
As provided in Section 34-20-7, Code of Ala- bama 1975.			
Total Board of Examiners of Nursing Home Adminis- trators .....		88,000	88,000
<b>101. OCCUPATIONAL THER- APY, ALABAMA STATE BOARD OF:</b>			
(a) Professional and Occupa- tional Licensing and Regu- lation Program .....			100,000
SOURCE OF FUNDS:			
(1) Board of Occupational Therapy Fund .....			100,000
As provided in Section 34-39-6, Code of Ala- bama 1975.			
Total Alabama State Board of Occupational Therapy ...		100,000	100,000
<b>102. OIL AND GAS BOARD:</b>			

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Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
(a) Management and Regula- tion of Oil and Gas Explora- tion and Development Pro- gram .....			2,240,600
SOURCE OF FUNDS:			
(1) State General Fund .....	2,088,600		
(2) Oil and Gas Board Special Fund .....		132,000	
(3) Surety Bond Deposits, Estimated .....		20,000	
In accordance with Sec- tion 9-17-6, Code of Ala- bama 1975.			
Total Oil and Gas Board .....	2,088,600	152,000	2,240,600
<b>103. PARDONS AND PAROLES, BOARD OF:</b>			
(a) Administration of Pardons and Paroles Program .....			17,337,658
SOURCE OF FUNDS:			
(1) State General Fund .....	13,661,173		
(2) Probationers Upkeep Fund .....		3,540,000	
In accordance with Sec- tion 15-22-2, Code of Alabama 1975.			
(3) Local Funds .....		136,485	
Total Board of Pardons and Paroles .....	13,661,173	3,676,485	17,337,658
<b>104. PEACE OFFICERS' AN- NUITY AND BENEFIT FUND, ALABAMA:</b>			
(a) Retirement Systems Pro- gram .....			414,253
SOURCE OF FUNDS:			
(1) Peace Officers' Annuity and Benefit Fund .....		414,253	
As provided in Section 36-21-66, Code of Ala- bama 1975.			
Total Alabama Peace Of- ficers' Annuity and Benefit Fund .....		414,253	414,253

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Fund Sources Included In Appropriation Total		
General Fund	Earmarked Funds	Appropriation Total
<b>105. PERSONNEL DEPARTMENT, STATE:</b>		
(a) Administrative Support Services Program .....		6,002,647
SOURCE OF FUNDS:		
Transfers to the State Personnel Department shall be as follows:		
(1) Board of Public Accountancy .....	644	
(2) Department of Aeronautics .....	572	
(3) Commission on Aging .....	2,574	
(4) Agricultural and Conservation Development Commission .....	72	
(5) Agricultural Center Board .....	3,396	
(6) Agricultural Museum Board .....	72	
(7) Department of Agriculture and Industries .....	53,125	
(8) Alcoholic Beverage Control Board .....	113,399	
(9) Board of Registration for Architects .....	215	
(10) Archives and History .....	6,793	
(11) State Council on the Arts .....	2,646	
(12) Attorney General's Office .....	23,881	
(13) Board of Auctioneers .....	72	
(14) State Auditor .....	2,503	
(15) State Banking Department .....	7,794	
(16) Building Commission .....	3,218	
(17) Alabama Building Renovation Finance Authority .....	14,872	
(18) Child Abuse and Neglect Prevention Board .....	1,144	
(19) Chiropractic Examiners .....	215	
(20) Choctawhatchee, Pea and Yellow Rivers Watershed .....	143	
(21) Department of Conser-		

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2003

Fund Sources Included In <u>Apropriation Total</u>		
	General Fund	Earmarked Funds
		Appropriation Total
vation and Natural Resources .....		228,228
(22) State Licensing Board for General Contractors .....		787
(23) Department of Corrections .....		439,797
(24) Board of Cosmetology .....		1,788
(25) Board of Counseling Examiners .....		72
(26) Credit Union Administration .....		930
(27) Alabama Crime Victims Compensation Commission .....		3,075
(28) Criminal Justice Information Center.....		7,365
(29) Alabama Development Office .....		5,935
(30) State Docks .....		54,054
(31) Department of Economic and Community Affairs .....		46,404
(32) Department of Education .....		95,810
(33) Educational Television Commission .....		9,581
(34) Electrical Contractors Board .....		72
(35) Emergency Management Agency .....		7,722
(36) Employees' Insurance Board .....		2,145
(37) Board of Registration for Professional Engineers and Land Surveyors .....		858
(38) Department of Environmental Management .....		64,279
(39) Ethics Commission ....		2,145
(40) Examiners of Public Accounts .....		35,107
(41) Farmers' Market Authority .....		286
(42) Finance. Department of .....		75,790
(43) Foreign Trade Rela-		

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Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds
		Appropriation Total
tions Commission .....		143
(44) Department of Forensic Sciences .....		19,663
(45) Forestry Commission ....		56,342
(46) Funeral Service Board .....		215
(47) Geological Survey .....		7,579
(48) Governor's Office .....		4,719
(49) Department of Public Health.....		789,932
(50) State Health Planning Agency .....		1,788
(51) Board of Heating and Air Conditioning Contractors .....		501
(52) Alabama Historical Commission .....		11,512
(53) Home Builders Licensure Board .....		1,931
(54) Department of Human Resources .....		596,167
(55) Alabama Indian Affairs Commission .....		644
(56) Department of Industrial Relations .....		232,375
(57) Insurance Department .....		12,012
(58) International Airport Authority .....		72
(59) Judicial Inquiry Commission .....		358
(60) Department of Labor .....		858
(61) Legislative Reference Service .....		143
(62) Liquefied Petroleum Gas Board .....		1,216
(63) Manufactured Housing Commission .....		2,646
(64) Alabama Medicaid Agency .....		76,863
(65) Department of Mental Health and Mental Retardation .....		543,758
(66) Military Department ..		30,030
(67) Board of Nursing .....		3,933
(68) Board of Examiners of Nursing Home Administrators .....		72

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2005

Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds
	Fund	Appropriation Total
(69) Board of Occupational Therapy .....		72
(70) Oil and Gas Board .....		5,077
(71) Pardons and Paroles ..		52,982
(72) Peace Officers' An- nuity and Benefit Fund .....		501
(73) Peace Officers' Stan- dards and Training Commission .....		930
(74) Physical Fitness Com- mission .....		715
(75) Board of Physical Therapy .....		215
(76) Plumbers and Gas Fitters Examiners Board .....		2,145
(77) Public Library Ser- vice .....		7,651
(78) Department of Public Safety .....		171,243
(79) Public Service Com- mission .....		18,590
(80) Real Estate Appraisers Board .....		1,073
(81) Real Estate Commis- sion .....		3,075
(82) Rehabilitation Services, Department of .....		113,828
(83) Retirement Systems ...		29,029
(84) Department of Rev- enue .....		202,417
(85) Secretary of State .....		6,006
(86) Securities Commis- sion .....		3,861
(87) Board of Social Work Examiners .....		358
(88) Soil and Water Con- servation Committee ..		501
(89) Surface Mining Com- mission .....		4,648
(90) Bureau of Tourism and Travel .....		10,654
(91) Department of Trans- portation .....		612,898
(92) State Treasurer .....		7,222
(93) Department of Vet- erans' Affairs .....		9,152

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	Fund Sources Included In <u>Apropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(94) Board of Veterinary Medical Examiners.....		72	
(95) Voter Registration .....		358	
(96) Department of Youth Services .....		94,523	
(97) Human Resources- Contract Team .....		94,553	
(98) Public Health-Contract Team .....		289,072	
(99) Transportation-Con- tract Team .....		424,513	
(100) Rehabilitation-Con- tract Team .....		119,661	
The appropriations in (97), (98), (99), and (100) are for an esti- mated amount as agreed upon by State Personnel Department and said departments for model work teams.			
Total State Personnel De- partment .....		6,002,647	6,002,647

**106. PHYSICAL THERAPY,  
BOARD OF:**

(a) Professional and Occupa- tional Licensing and Regu- lation Program .....		248,165	
SOURCE OF FUNDS:			
(1) Physical Therapist Fund .....		248,165	
As provided in Section 34-24-195, Code of Ala- bama 1975.			
Total Board of Physical Therapy .....		248,165	248,165

**107. PLUMBERS AND GAS  
FITTERS EXAMINING  
BOARD, ALABAMA:**

(a) Professional and Occupa- tional Licensing and Regu- lation Program .....		1,500,000	
SOURCE OF FUNDS:			
(1) Board of Plumbers and			



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2007

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
Gas Fitters Examiners Fund .....			1,500,000	
As provided in Section 34-37-5, Code of Ala- bama 1975.				
Total Alabama Plumbers and Gas Fitters Examining Board .....			1,500,000	1,500,000
<hr/>				
<b>108. POLYGRAPH EXAMINERS, BOARD OF:</b>				
(a) Professional and Occupa- tional Licensing and Regu- lation Program .....				20,000
SOURCE OF FUNDS:				
(1) Board of Polygraph Examiners Fund .....			20,000	
As provided in Section 34-25-5, Code of Ala- bama 1975.				
Total Board of Polygraph Examiners .....			20,000	20,000
<hr/>				
<b>109. PROSECUTION SERVICES, OFFICE OF:</b>				
(a) Prosecution, Training, Edu- cation and Management Program .....				1,994,552
SOURCE OF FUNDS:				
(1) State General Fund .....		976,585		
(2) Office of Prosecution Services Fund .....			1,017,967	
Total Office of Prosecution Services .....		976,585	1,017,967	1,994,552
<hr/>				
<b>110. PSYCHOLOGY, ALA-BAMA BOARD OF EXAMINERS IN:</b>				
(a) Professional and Occupa- tional Licensing and Regu- lation Program .....				166,508
SOURCE OF FUNDS:				
(1) Board of Examiners in Psychology Fund .....			166,508	

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		Fund Sources Included In <u>Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
As provided in Section 34-26-43, Code of Ala- bama 1975.				
Total Alabama Board of Examiners in Psychology ..			166,508	166,508
<b>111. PUBLIC SAFETY, DEPARTMENT OF:</b>				
(a) Police Services Program ....				41,061,882
Of the above appropriation, \$300,000 shall be expended by the Missing and Ex- ploited Children's Bureau. In addition, there is hereby appropriated \$500,000 from the State General Fund to the Department of Public Safety/ Missing and Exploited Children's Bureau to be con- ditioned upon the availabil- ity of funds in the State Gen- eral Fund and the approval of the Governor.				
(b) Public Safety Support Ser- vices Program .....				19,089,882
(c) Administrative Services Program .....				15,813,122
SOURCE OF FUNDS:				
(1) State General Fund .....	59,019,045			
(2) Transfer from Public Road and Bridge Fund- Act 91-797 .....			3,500,000	
(3) Federal and Local Funds .....			3,879,984	
(4) Automated Fingerprint Identification System Fund .....			2,598,857	
In accordance with Sec- tions 12-19-180 and 32- 2-61, Code of Alabama 1975.				
(5) Public Safety Law En- forcement Fund .....			5,000,000	
In accordance with Sec- tion 32-6-5, Code of Ala- bama 1975.				

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2009

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(6) Drug Offenders Rein- statement Fund .....		100,000	
(7) Commercial Driver's License Fees .....		767,000	
In accordance with Sec- tion 32-5-313, Code of Alabama 1975.			
(8) Public Safety Motor Vehicle Replacement Fund .....		1,000,000	
In accordance with Sec- tions 32-2-80 through 32-2-84, Code of Ala- bama 1975.			
(9) Boat Driver License .....		100,000	
In accordance with Sec- tions 33-5-53(f) through 33-5-55, Code of Ala- bama 1975.			
Total Department of Public Safety .....	59,019,045	16,945,841	75,964,886

**112. PUBLIC SERVICE COM-  
MISSION:**

- |  |           |
|--|-----------|
| (a) Regulatory Services Pro-<br>gram .....   | 5,298.359 |
| (b) Administrative Services<br>Program ..... | 6,051.641 |

The above appropriation in-  
cludes a transfer to the State  
General Fund of \$2,000,000  
in four equal amounts at the  
end of each quarter of the fis-  
cal year.

**SOURCE OF FUNDS:**

- |   |            |
|---|------------|
| (1) Public Service Commis-<br>sion Fund ..... | 10,531,509 |
|---|------------|
- The above appropriation  
to the Alabama Public  
Service Commission  
shall be payable only  
from inspection and su-  
pervision fees paid by  
utilities, radio compa-  
nies and transportation  
companies and such  
parts or percentages of

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Fund Sources Included In Appropriation Total		
General Fund	Earmarked Funds	Appropriation Total
fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.		
(2) Gas Pipeline Safety Fund .....	558,491	
(3) Departmental Receipts .....	10,000	
(4) Federal and Local Funds.....	250,000	
Total Public Service Commission .....	11,350,000	11,350,000

In addition to the above appropriation to the Public Service Commission, there is hereby also appropriated revenues received from audit and court settlements and motor carrier fees in excess of known budgeted amounts in PSC funds 326 up to a maximum of \$600,000.

**113. REAL ESTATE APPRAISERS BOARD, ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Program .....	644,521
SOURCE OF FUNDS:	
(1) Real Estate Appraisers Board Fund .....	644,521
In accordance with Sections 34-27A-1 through 34-27A-29, Code of Alabama 1975.	

Total Alabama Real Estate

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2011

		Fund Sources Included In Apropiation Total	
	General Fund	Earmarked Funds	Apropriation Total
Appraisers Board .....		644.521	644.521
<b>114. REAL ESTATE COMMIS- SION, ALABAMA:</b>			
(a) Professional and Occupa- tional Licensing and Regula- tion Program .....			2,375.769
SOURCE OF FUNDS:			
(1) Alabama Real Estate Commission Fund .....		2,375.769	
As provided in Section 34-27-4, Code of Ala- bama 1975.			
Total Alabama Real Estate Commission .....		2,375.769	2,375.769
<b>115. REHABILITATION SER- VICES, DEPARTMENT OF:</b>			
(a) Rehabilitation Services Program .....			1,911.575
SOURCE OF FUNDS:			
(1) State General Fund- Homebound .....	1,870.341		
(2) State General Fund-Eye Injury Register .....	41.234		
Total Department of Re- habilitation Services .....	1,911.575		1,911.575
<b>116. REVENUE, DEPARTMENT OF:</b>			
(a) State Revenue Administra- tion Program .....			77,600.000
SOURCE OF FUNDS:			
(1) State General Fund- Transfer .....	250,000		
As provided in Section 40-7-70, Code of Ala- bama 1975, to maintain a program for the equal- ization of ad valorem tax assessments.			
(2) State General Fund- Board of Equaliza-			

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	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
tion .....	76,542		
(3) Transfer from the gross proceeds of Cigarette Tax Collections .....		1,245,534	
As provided in Section 40-25-27, Code of Ala- bama 1975.			
(4) Transfer from the gross proceeds of Financial In- stitution Excise Tax Collections .....		372,679	
(5) Transfer from the pro- ceeds of the Forest Sev- erance Tax Collections ..		137,203	
(6) Transfer from the gross proceeds of Gasoline Tax Collections .....		4,296,752	
(7) Transfer from the In- come Tax Collections ..		22,342,180	
(8) Transfer from the gross proceeds of Motor Fuel Tax Collections .....		883,872	
(9) Transfer from the gross proceeds of Motor Ve- hicle License Collec- tions .....		5,669,385	
(10) Transfer from the Pen- sion Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax .....		1,364,494	
(11) Transfer from the Pub- lic School Fund as part of the cost of collec- tions of the 3-Mill Ad Valorem Tax .....		2,222,735	
(12) Transfer from the gross proceeds of Sales Tax Collections .....		24,079,971	
(13) Transfer from the gross proceeds of the Tobacco Tax Collections .....		58,827	
(14) Transfer from the gross proceeds of Use Tax Collections .....		2,137,782	
(15) Transfer from the gross proceeds of the Utility Tax Collections .....		4,746,450	

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2013

	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
(16) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags .....		2,365,083	
(17) Inspection fees for re-stored vehicles .....		1,216,000	
As provided in Section 32-8-87, Code of Alabama 1975.			
(18) Local Funds .....		4,134,511	
The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.			
Total Department of Revenue .....	326,542	77,273,458	77,600,000

**117. SECRETARY OF STATE:**

(a) Administrative Support Services Program .....		1,858,019
SOURCE OF FUNDS:		
(1) State General Fund .....	795,722	
(2) UCC and Farm Indexing Fund .....		189,503
(3) Home Inspectors Reg-		

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		Fund Sources Included In Apropiation Total	
		General Fund	Earmarked Funds
			Appropriation Total
istration Fund .....			50,000
As provided in Section 34-14B-6, Code of Ala- bama 1975.			
(4) Corporations Fund .....			822,794
Total Secretary of State .....		795,722	1,062,297
			1,858,019
<b>118. SECURITIES COMMIS- SION:</b>			
(a) Regulatory Services Pro- gram .....			3,918,201
The above appropriation in- cludes a transfer to the State General Fund of \$1,500,000 to be made in four equal amounts at the beginning of each quarter of the fiscal year.			
SOURCE OF FUNDS:			
(1) Securities Commission Fund .....			2,278,201
(2) Securities Commission Fund-Transfer to State General Fund .....			1,500,000
(3) Sale of Checks Fund ....			40,000
(4) Industrial Revenue Bond Notification Fund .....			100,000
Total Securities Commis- sion.....			3,918,201
			3,918,201
<b>119. SENIOR CITIZENS HALL OF FAME, ALABAMA:</b>			
(a) Historical Resources Man- agement Program .....			15,899
To be expended in accor- dance with Sections 41-9- 740 et seq., Code of Ala- bama 1975.			
SOURCE OF FUNDS:			
(1) State General Fund .....		15,899	
Total Alabama Senior Citi- zens Hall of Fame .....		15,899	15,899
<b>120. SOCIAL WORK EXAMIN- ERS, ALABAMA STATE</b>			



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2015

		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
			Appropriation Total
<b>BOARD OF:</b>			
(a) Professional and Occupational Licensing and Regulation Program .....			160,387
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund .....		160,387	
As provided in Section 34-30-6, Code of Alabama 1975.			
Total Alabama State Board of Social Work Examiners ...		160,387	160,387
<b>121. SOIL AND WATER CONSERVATION COMMITTEE, STATE:</b>			
(a) Water Resource Development Program .....			1,765,626
(b) Professional and Occupational Licensing and Regulation Program .....			5,000
(c) R C and D Program .....			300,000
SOURCE OF FUNDS:			
(1) State General Fund .....	1,874,626		
(2) Soil Classifiers Fund ...		5,000	
As provided in Section 34-32-19, Code of Alabama 1975.			
(3) Departmental Receipts		191,000	
Total State Soil and Water Conservation Committee ...	1,874,626	196,000	2,070,626
<b>122. SOUTHERN GROWTH POLICIES BOARD:</b>			
(a) Special Services Program ..			42,671
SOURCE OF FUNDS:			
(1) State General Fund .....	42,671		
Total Southern Growth Policies Board .....	42,671		42,671
<b>123. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAM-</b>			

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		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
			Appropriation Total
<b>INERS FOR:</b>			
(a) Professional and Occupational Licensing and Regulation Program .....			79,300
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund .....		79,300	
As provided in Section 34-28A-44, Code of Alabama 1975.			
Total Alabama Board of Examiners for Speech Pathology and Audiology ..		79,300	79,300
<b>124. SPORTS HALL OF FAME, ALABAMA:</b>			
(a) Historical Resources Management Program .....			200,000
SOURCE OF FUNDS:			
(1) State General Fund .....	200,000		
Total Alabama Sports Hall of Fame .....	200,000		200,000
<b>125. ST. STEPHENS HISTORICAL COMMISSION:</b>			
(a) Historical Resources Management Program .....			133,825
(b) Capital Outlay Program .....			116,175
SOURCE OF FUNDS:			
(1) State General Fund .....	250,000		
Total St. Stephens Historical Commission .....	250,000		250,000
<b>126. SURFACE MINING COMMISSION, ALABAMA:</b>			
(a) Industrial Safety and Accident Prevention Program ...			2,741,260
SOURCE OF FUNDS:			
(1) State General Fund-Transfer .....	424,460		

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2017

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
(2) Surface Mining Commission-Fees .....			463,400	
(3) Federal and Local Funds .....			1,103,400	
(4) Bond Forfeiture/Reclamation Projects, Estimated .....			750,000	
As provided in Section 9-16-103, Code of Alabama 1975.				
Total Alabama Surface Mining Commission .....		424,460	2,316,800	2,741,260
<b>127. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:</b>				
(a) Water Resource Development Program .....				103,300
SOURCE OF FUNDS:				
(1) State General Fund .....		103,300		
Total Tennessee-Tombigbee Waterway Development Authority .....		103,300		103,300
<b>128. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA:</b>				
(a) Promotional Development Program .....				482,500
To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975.				
SOURCE OF FUNDS:				
(1) State General Fund .....		248,500		
(2) Admissions and Concessions .....			234,000	
Total Tennessee Valley Exhibit Commission of Alabama .....		248,500	234,000	482,500
<b>129. TOURISM AND TRAVEL, BUREAU OF:</b>				
(a) Tourism and Travel Promo-				

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Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
tion Program .....			9,235,529
Of the above appropriation to the Bureau of Tourism and Travel, \$250,000 shall be transferred to the Landmarks Foundation of Montgomery; \$500,000 shall be trans- ferred to Constitution Hall Village- Capital Outlay; and \$25,000 shall be transferred to the Childersburg Heritage Festival.			
SOURCE OF FUNDS:			
(1) State General Fund .....	1,595,000		
(2) Lodgings Tax (\$0.01) .. Receipts collected under the provisions of Sec- tions 40-26-1, et seq., Code of Alabama 1975.		7,640,529	
Total Bureau of Tourism and Travel .....	1,595,000	7,640,529	9,235,529
<b>130. TRANSPORTATION, DEPARTMENT OF:</b>			
(a) Central Administration Program .....			26,323,063
(b) Division and District Su- pervision Program .....			31,185,399
(c) Operations and Support Services Program .....			12,328,740
(d) Maintenance Program .....			201,878,005
(e) Non-Programmatic Pro- grams .....			8,696,248
Proposed spending plan for the above (e) includes the following:			
Debt Service .....	4,437,944		
Equipment - Other than Au- tomotive .....	4,258,304		
(f) Construction-Federal Aid Program .....			520,651,290
Proposed spending plan for the above (f) includes the following:			
Federal Aid Match- ing .....	129,754,329		
Non-Participating Work on			

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Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds      Appropriation Total
Federal Projects ....	1,000,000	
Federal Aid ....	389,896,961	
(g) Construction-State Program ...		25,500,000
(h) Operations-Land and Buildings Program .....		3,615,482
(i) Industrial Access Program ..		11,925,000
(j) Captive County Health In- surance Program .....		168,480
(k) Transfer to Department of Public Safety, in accordance with Act 91-797 .....		3,500,000
(l) Debt Service, General Ob- ligation Refunding Bonds, 1992 Series A and B .....		20,500,000
SOURCE OF FUNDS:		
(1) State General Fund- Transfer .....	125,000	
(2) Public Road and Bridge Fund .....		472,749,746
(3) Public Road and Bridge Fund-for transfer to De- partment of Public Safety .....		3,500,000
(4) Federal Aid .....		389,896,961

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$4,437,944 or so much thereof as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Director of Transportation with the

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Fund Sources Included  
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
-----------------	--------------------	------------------------

consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation: (1) the appropriation made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the Department of Transportation that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds

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Fund Sources Included  
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
appropriated in Subsec- tion (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropria- tions are made, but shall remain available for the purposes for which such appropriations were made. In addition to all appropriations herein- above made there is hereby appropriated to the Department of Trans- portation all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made avail- able.			
Total Department of Trans- portation .....	125,000	866,146,707	866,271,707

**131. TREASURER, STATE:**

(a) Fiscal Management Pro- gram .....			7,741,655
SOURCE OF FUNDS:			
(1) State General Fund .....	2,990,686		
(2) Prepaid Affordable College Tuition Fund...		4,041,594	
(3) Unclaimed Property Administrative Fund....		575,000	
As provided in Section 35-12-39, Code of Ala- bama 1975.			
(4) Departmental Receipts..		134,375	
Total State Treasurer .....	2,990,686	4,750,969	7,741,655

**132. UNIFORM STATE LAWS,  
ALABAMA COMMISSION  
ON:**

(a) Special Services Program, Estimated .....		30,000
SOURCE OF FUNDS:		

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
(1) State General Fund .....	30,000		
As provided in Section 41-9-374, Code of Ala- bama 1975.			
Total Alabama Commission on Uniform State Laws .....	30,000		30,000
<b>133. VETERANS' AFFAIRS, DEPARTMENT OF:</b>			
(a) Administration of Veterans' Affairs Program .....			11,159,568
Of the above appropriation, \$7,500 shall be allocated to the Veterans Day Committee and \$9,500 shall be allocated for the Secretary of the Army.			
SOURCE OF FUNDS:			
(1) State General Fund .....	3,040,997		
(2) Veterans' Home Trust Fund-Transfer .....		8,118,571	
Total Department of Vet- erans' Affairs .....	3,040,997	8,118,571	11,159,568
<b>134. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:</b>			
(a) Professional and Occupa- tional Licensing and Regu- lation Program .....			250,000
SOURCE OF FUNDS:			
(1) State Board of Veteri- nary Medical Examiners Fund .....		250,000	
As provided in Section 34-29-70, Code of Ala- bama 1975.			
Total Alabama State Board of Veterinary Medical Ex- aminers .....		250,000	250,000
<b>135. VOTER REGISTRATION IDENTIFICATION PROGRAM:</b>			



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		Fund Sources Included <u>In Appropriation Total</u>	
		General Fund	Earmarked Funds
			Appropriation Total
(a) Special Services Pro-gram .....			968,774
SOURCE OF FUNDS:			
(1) State General Fund .....	912,774		
(2) Voter Registration Fund .....		56,000	
Total Voter Registration Identification Program .....	912,774	56,000	968,774
<b>136. WOMEN'S COMMISSION, ALABAMA:</b>			
(a) Employment and Social Opportunities Program .....			10,200
SOURCE OF FUNDS:			
(1) State General Fund .....	10,200		
Total Alabama Women's Commission .....	10,200		10,200
<b>137. WOMEN'S HALL OF FAME, ALABAMA:</b>			
(a) Historical Resources Management Program .....			8,100
SOURCE OF FUNDS:			
(1) State General Fund .....	8,100		
Total Alabama Women's Hall of Fame .....	8,100		8,100
<b>138. YOUTH SERVICES, DEPARTMENT OF:</b>			
(a) Youth Services Program ....			14,398,108
The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, Code of Alabama 1975. Of the above appropriation, \$100,000 shall be expended to train Juvenile Probation Officers in mediation/dispute resolution. Of the above appropriation, up to \$2,000,000 shall be for payment of 70% of the salaries of those juvenile proba-			

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Fund Sources Included			
<u>In Appropriation Total</u>			
	General Fund	Earmarked Funds	Appropriation Total
<hr/>			
tion officers hired on or after October 1, 1997 who are in addition to those for whom state salary subsidies are authorized by Section 44-1-26, Code of Alabama 1975 and who are also in addition to the number of juvenile probation officers employed by a county on May 1, 1997. It is the intent of the Legislature that this \$2,000,000 be expended to subsidize the salaries of at least 75 such additional juvenile probation officers. The Department shall budget and expend this \$2,000,000 to reimburse counties 70% of the salaries of such additional juvenile probation officers on a first-hired, first-reimbursed basis, and shall not be obligated to reimburse any county or counties for salaries of any such additional juvenile probation officers hired above the \$2,000,000 herein appropriated.			
(b) Youth Services-Boot Camp Programs .....			2,975,000
Of the above appropriation the minimum sum of \$1,100,000 shall be used for the Environmental Youth Corps Program in Mobile County.			
(c) Youth Services Operations Program .....			7,600,000
Of the above appropriation to the Department of Youth Services, \$300,000 shall be expended for the Wilderness Program and \$1,800,000 shall be expended for a State Pilot Wilderness Program.			
SOURCE OF FUNDS:			
(1) State General Fund-			

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
Community Subsidy ....	6,229,108		
(2) State General Fund- Boot Camp Programs...	2,975,000		
(3) State General Fund- Youth Services Opera- tions Program .....	7,600,000		
(4) State General Fund-Ju- venile Probation Officers Subsidy .....	8,169,000		
Total Department of Youth Services .....	24,973,108		24,973,108

The above appropriation for  
Community Subsidy shall in-  
clude at least \$103,425 for  
those nonsecure programs  
funded in fiscal year 1996-97.

**2D. OTHER FUNCTIONS OF  
GOVERNMENT FUNDED  
FROM THE STATE GEN-  
ERAL FUND:**

**1. ARREST OF ABSCOND-  
ING FELONS:**

(a) Criminal Investigation Pro- gram, Estimated .....		60,450
SOURCE OF FUNDS:		
(1) State General Fund .....	60,450	
As provided in Sections 15-9-1 and 15-9-3, Code of Alabama 1975.		
Total Arrest of Absconding Felons .....	60,450	60,450

**2. AUTOMATIC APPEAL EX-  
PENSE:**

(a) Legal Advice and Legal Services Program, Esti- mated .....		82
SOURCE OF FUNDS:		
(1) State General Fund .....	82	
As provided in Sections 12-22-150 and 12-22- 241, Code of Alabama 1975.		

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
Total Automatic Appeal Expense.....		82		82
3.	<b>BUSKEY MATCHING FUNDS -PENNY TRUST FUND:</b>			
(a) Special Services Program, Estimated .....				15,000
SOURCE OF FUNDS:				
(1) State General Fund- Transfer .....		15,000		
In accordance with Sec- tions 41-15A-10 through 41-15A-12, Code of Ala- bama 1975.				
Total Buskey Matching Funds - Penny Trust Fund ...		15,000		15,000
4.	<b>COURT ASSESSED COSTS NOT PROVIDED FOR:</b>			
(a) Special Services Program, Estimated .....				2,400,000
As provided in Sections 22- 52-14, 30-4-96, 26-17-17, 22-11A-1 through 22-11A- 41, 12-15-71 and 12-21-131, Code of Alabama 1975.				
(b) Legal Advice and Legal Services Program .....				250,000
It is the intent of the Legis- lature that the appropriation in this subsection be ex- pended for Court Costs to include costs of depositions, witness fees and expenses, filing and docket fees, court reporters, court judgments, attorneys fees, out-of-court settlements and other ex- penses ordered by the court or normally identified as costs of court, when any of the above is approved by the Attorney General.				
(c) Automatic Appeal Cases				

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Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds
		Appropriation Total
Expense Program .....		40,000
<p>The above appropriation shall be used to reimburse reasonable expenses incurred by attorneys representing defendants under sentence of death in state collateral proceedings, such as those under Rule 32 of the Rules of Criminal Procedure. Provided, in no case may any amount be paid unless the court determines by written order in advance that the cost is both necessary and reasonable; in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropriation as fees to any attorney for services, or to compensate any attorney for time either as an attorney in the proceeding or as a witness.</p> <p>SOURCE OF FUNDS:</p> <p>(1) State General Fund, Estimated ..... 2,400,000</p> <p>(2) State General Fund ..... 250,000</p> <p>(3) State General Fund-Automatic Appeal Cases .. 40,000</p> <hr/> <p>Total Court Assessed Costs Not Provided For ..... 2,690,000</p>		
	2,690,000	2,690,000

**5. COURT COSTS-ACT NO. 558, 1957:**

(a) Court Operations Program, Estimated .....		100
SOURCE OF FUNDS:		
(1) State General Fund .....	100	
Pursuant to Act No. 558, 1957, Page 777.		
Total Court Costs-Act No. 558, 1957 .....	100	100

**6. DISTRIBUTION OF**

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		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
			Appropriation Total
<b>PUBLIC DOCUMENTS:</b>			
(a) Administrative Support Services Program, Esti- mated .....			300,000
SOURCE OF FUNDS:			
(1) State General Fund .....	300,000		
As provided in Sections 36-14-1, 36-14-11, 17- 22A-11 and 41-21-8, Code of Alabama 1975.			
Total Distribution of Public Documents .....	300,000		300,000
<b>7. STATE DOCKS TRANSFER:</b>			3,500,000
SOURCE OF FUNDS:			
(1) State General Fund .....	3,500,000		
The above appropriation to the State Docks shall be conditioned upon the availability of funds and shall remain in the State General Fund until a demonstrated need is de- termined and recom- mended by the Director of Finance and approved by the Governor.			
Total State Docks Transfer ..	3,500,000		3,500,000
<b>8. ELECTION EXPENSES:</b>			
(a) Special Services Program, Estimated .....			4,000,000
(b) Training of Election Of- ficials .....			72,694
For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.			
SOURCE OF FUNDS:			
(1) State General Fund .....	4,000,000		
As provided in Section 17-21-6, Code of Ala-			

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	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
bama 1975.			
(2) State General Fund .....	72.694		
Total Election Expenses ....	4,072.694		4,072.694

**9. EMERGENCY FUND,  
DEPARTMENTAL:**

(a) Special Services Program .. 1,776.431

**SOURCE OF FUNDS:**

(1) State General Fund ..... 1,776.431

This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office or agency; provided, however, it is the intent of the Legislature that as much as necessary, not to exceed \$100,000, of the appropriation made within this subsection shall be expended for the legal expenses incurred by the Office of the President of the Senate or the Office of the Lieutenant Governor and that as much as necessary, not to exceed \$100,000, of the appropriation made within this subsection shall be expended for the legal expenses incurred by the Speaker of the House of Representatives. None of the above appropriation shall be transferred to the Gov-

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		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
		Appropriation Total	
ernor's Contingency Fund. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office or agency, the Director of Finance shall notify the Chairman of the Senate Committee on Economic Expansion and Trade, the Chairman of the House Committee on Ways and Means, and the Director of the Legislative Fiscal Office of such pending transfer.			
Total Departmental Emergency Fund .....		1,776,431	1,776,431
<b>10. FAIR TRIAL TAX TRANSFER:</b>			
(a) Court Operations Program, Estimated .....			6,900,000
SOURCE OF FUNDS:			
(1) State General Fund-Transfer .....		6,900,000	
Total Fair Trial Tax Transfer .....		6,900,000	6,900,000
<b>11. FEEDING OF PRISONERS:</b>			
(a) Institutional Services-Corrections Program, Estimated .....			5,200,000
SOURCE OF FUNDS:			
(1) State General Fund.....		5,200,000	
For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.			
Total Feeding of Prisoners .....		5,200,000	5,200,000



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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
<b>12.</b>	<b>FINANCE-CMIA, DE- PARTMENT OF:</b>			
	(a) Fiscal Management Pro- gram, Estimated .....	750,000		
	SOURCE OF FUNDS:			
	(1) State General Fund .....	750,000		
	As provided in Section 41-4-38, Code of Ala- bama 1975.			
	Total Department of Fi- nance-CMIA .....	750,000		750,000
<b>13.</b>	<b>FINANCE, DEPARTMENT OF - EMPLOYEES' SUGGESTION AWARDS PROGRAM:</b>			
	(a) Fiscal Management Program .....			20,000
	SOURCE OF FUNDS:			
	(1) State General Fund .....	20,000		
	In accordance with Sec- tion 36-1-7, Code of Ala- bama 1975.			
	Total Department of Fi- nance - Employees' Sug- gestion Awards Program ....	20,000		20,000
<b>14.</b>	<b>FINANCE-FEMA, DE- PARTMENT OF:</b>			
	(a) Readiness and Recovery Program, Estimated .....			500,000
	Payments of the State's share of administrative costs and matching grants fur- nished by the Federal Emer- gency Management Agency.			
	SOURCE OF FUNDS:			
	(1) State General Fund .....	500,000		
	Total Department of Fi- nance-FEMA .....	500,000		500,000
	In addition to the above ap- propriation, there is hereby appropriated \$500,000 from the State General Fund to be			

		Fund Sources Included In <u>Apropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
conditioned upon the declaration of a natural disaster area by the President of the United States and conditioned further upon the requirement by the Federal Emergency Management Agency or the U.S. Soil and Conservation Service for the State of Alabama to pay a state match for FEMA or SCS grants.				
15.	<b>FOREST FIRE FUND, EMERGENCY:</b>			
	(a) Forest Resources Protection and Development Program .....			180,000
	SOURCE OF FUNDS:			
	(1) State General Fund-Transfer .....	180,000		
	The appropriation to the Emergency Forest Fire Fund shall be conditioned as provided by Section 9-3-10.1, Code of Alabama 1975, and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.			
	Total Emergency Forest Fire Fund .....	180,000		180,000
16.	<b>FREDDIE LEE GAINES:</b>			
	(a) Special Services Program .....			100,000
	In accordance with Act 96-579.			
	SOURCE OF FUNDS:			
	(1) State General Fund .....	100,000		

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		Fund Sources Included In <u>Apropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
Total Freddie Lee Gaines ....		100,000		100,000
<b>17.</b>	<b>GOVERNOR'S CONFER- ENCE, NATIONAL:</b>			
	(a) Executive Direction Pro- gram, Estimated .....			173,602
	SOURCE OF FUNDS:			
	(1) State General Fund .....	173,602		
	Total National Governor's Conference .....	173,602		173,602
<b>18.</b>	<b>GOVERNOR'S PROCLA- MATION EXPENSES:</b>			
	(a) Executive Direction Pro- gram, Estimated .....			200,000
	SOURCE OF FUNDS:			
	(1) State General Fund .....	200,000		
	As provided in Section 17-14-21, Code of Ala- bama 1975.			
	Total Governor's Procla- mation Expenses .....	200,000		200,000
<b>19.</b>	<b>GOVERNOR'S WIDOW RETIREMENT:</b>			
	(a) Executive Direction Pro- gram, Estimated .....			14,400
	SOURCE OF FUNDS:			
	(1) State General Fund .....	14,400		
	As provided in Section 36-13-12, Code of Ala- bama 1975.			
	Total Governor's Widow Retirement .....	14,400		14,400
<b>20.</b>	<b>LAW ENFORCEMENT FUND:</b>			
	(a) Criminal Investigation Pro- gram, Estimated .....			150,000
	SOURCE OF FUNDS:			
	(1) State General Fund .....	150,000		
	As provided in Sections			

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		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
		Appropriation Total	
28-4-311 and 28-4-312. Code of Alabama 1975.			
Total Law Enforcement Fund .....		150,000	150,000
<b>21. LAW ENFORCEMENT LE- GAL DEFENSE:</b>			
(a) Legal Advice and Legal Services Program, Esti- mated .....			2,000
SOURCE OF FUNDS:			
(1) State General Fund .....	2,000		
To carry out provisions of Section 36-21-1, Code of Alabama 1975.			
Total Law Enforcement Legal Defense .....		2,000	2,000
<b>22. MILITARY - EMERGENCY ACTIVE DUTY PAY:</b>			
(a) Military Operations Pro- gram, Estimated .....			200,000
SOURCE OF FUNDS:			
(1) State General Fund .....	200,000		
As provided in Section 31-2-133, Code of Ala- bama 1975.			
Total Military - Emergency Active Duty Pay .....		200,000	200,000
<b>23. PRINTING OF CODE SUP- PLEMENTS - LEGISLATIVE REFERENCE SERVICE:</b>			
(a) Legislative Operations and Support Program, Esti- mated .....			114,880
SOURCE OF FUNDS:			
(1) State General Fund .....	114,880		
As provided in Section 29-7-6, Code of Alabama 1975.			
Total Printing of Code Sup- plements - Legislative Reference Service .....		114,880	114,880

Fund Sources Included  
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
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It is the intent of the Legislature that the number of Codes and Supplements printed and distributed shall be limited to the minimum number actually needed, utilized and required by law. Procedures should be adopted to verify the need and utility of required printed sets to insure printing cost savings when possible.

**24. PRINTING CODES AND SUPPLEMENTS - SECRETARY OF STATE:**

(a) Administrative Support Services Program, Estimated ..... 121.317

**SOURCE OF FUNDS:**

(1) State General Fund..... 121.317

As provided in Sections 41-21-1 through 41-21-8 and 41-4-154, Code of Alabama 1975.

Total Printing Codes and Supplements - Secretary of State .....

121.317

121.317

It is the intent of the Legislature that the number of Codes and Supplements printed and distributed shall be limited to the minimum number actually needed, utilized and required by law. Procedures should be adopted to verify the need and utility of required printed sets to insure printing cost savings when possible.

**25. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:**

(a) Administrative Support

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		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
			Appropriation Total
Services Program, Estimated .....			443,385
SOURCE OF FUNDS:			
(1) State General Fund .....		443,385	
As provided in Sections 41-4-130 through 41-4- 161, Code of Alabama 1975.			
Total Printing of Legislative Acts and Journals .....		443,385	443,385
<b>26. REGISTRATION OF VOTERS:</b>			
(a) Special Services Program, Estimated .....			2,800,000
SOURCE OF FUNDS:			
(1) State General Fund .....		2,800,000	
In accordance with Sec- tions 17-4-126 and 17-4- 153, Code of Alabama 1975.			
Total Registration of Voters .....		2,800,000	2,800,000
<b>27. REMOVAL OF PRISONERS:</b>			
(a) Administrative Services and Logistical Support Program, Estimated .....			400,000
SOURCE OF FUNDS:			
(1) State General Fund .....		400,000	
As provided in Sections 15-10-70 through 15-10- 73, 15-9-62, 15-9-65 and 15-9-81, Code of Ala- bama 1975.			
Total Removal of Pri- soners .....		400,000	400,000
<b>28. STATE GENERAL FUND, ESTIMATED:</b>			
			51,300,000
SOURCE OF FUNDS:			
(1) Heritage Trust Income Fund Transfer, Esti- mated .....		51,300,000	

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		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
All income other than income realized on the sale of Trust Fund assets and not otherwise appropriated herein.				
Total State General Fund, Estimated .....			51,300.000	51,300.000
<b>2E.</b>	<b>DEBT SERVICE FUNDED FROM THE STATE</b>			
	<b>GENERAL FUND:</b>			
1.	General Obligation Waterway Refunding Bonds, Series 1992, Estimated .....			3,003.085
	SOURCE OF FUNDS:			
	(1) State General Fund, Estimated .....	3,003.085		
	Total General Obligation Waterway Refunding Bonds, Series 1992, Estimated .....	3,003.085		3,003.085
2.	Music Hall of Fame Bonds, Estimated .....			350.250
	SOURCE OF FUNDS:			
	(1) State General Fund, Estimated .....	350.250		
	Pursuant to Constitutional Amendment No. 489 as provided in Act 88-549, 1988 Regular Session.			
	Total Music Hall of Fame Bonds, Estimated .....	350.250		350.250
3.	Corrections Institutions Bonds, Estimated .....			1,190.000
	SOURCE OF FUNDS:			
	(1) State General Fund, Estimated .....	1,190.000		
	Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.			
	Total Corrections Institutions Bonds, Estimated .....	1,190.000		1,190.000

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		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
4.	General Obligation Capital Bonds, 1990 Series, Estimated .....			1,904,515
	SOURCE OF FUNDS:			
	(1) State General Fund, Estimated .....	1,904,515		
	Pursuant to Constitutional Amendment No. 510 as provided for in Act 89-799, 1989 Regular Session.			
	Total General Obligation Capital Bonds, 1990 Series, Estimated .....	1,904,515		1,904,515
5.	General Obligation Refunding Bonds, 1992, Series A and B, Estimated .....			23,707,562
	SOURCE OF FUNDS:			
	(1) State General Fund, Estimated .....	23,707,562		
	Total General Obligation Refunding Bonds, 1992, Series A and B, Estimated .....	23,707,562		23,707,562

**SECTION 3.** That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

**SECTION 4.** That any surplus remaining in any appropriation



herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

**SECTION 5.** In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

**SECTION 6.** Upon certification to the Director of Finance by the State Attorney General that a federal court has ordered the State of Alabama to pay claims, attorney fees, or other costs relating to said court order, funds are hereby appropriated to the affected department, board, bureau, or commission from the appropriate fund or funds of such department, board, bureau or commission in the amount necessary to satisfy that court order. Such appropriations are in addition to any other appropriation heretofore or hereafter made in this appropriation act. Such appropriations are conditioned upon the availability of funds and a determination by the Director of Finance that other current appropriations are not available for the court-ordered payments.

**SECTION 7.** All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

**SECTION 8.** All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

**SECTION 9.** The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act. All agencies enumerated in this Act and receiving services from other governmental agencies enumerated in this Act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

**SECTION 10.** (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education, the Department of Transportation, and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. The Department of Public Safety may transfer surplus automobiles (those with over 100,000 miles) without the approval required in this section. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Economic Expansion and Trade. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Economic Expansion and Trade prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this Act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

**SECTION 11.** It is the intent of the Legislature that the Finance Director shall notify the Chair of the House Committee on Ways and Means and the Chair of the Senate Committee on Economic Expansion and Trade of any inter-agency transfers, of any type, including contracting, of any of the funds appropriated in the Act.

**SECTION 12.** It is the intent of the Legislature that each agency receiving an appropriation in this appropriations act shall certify to the Department of Finance that it has a plan for its data processing and other computerized systems to become Year 2000 compliant. As part of the annual plan of operation, each agency shall certify in writing that the Year 2000 compliance plan is or will be implemented in a timely manner. This plan shall encompass those programs which are critical and necessary to the essential delivery of services to citizens, local governments, the federal government and other state entities. Each Year 2000 compliance plan shall be based on standards for data storage and exchange as established by the Department of Finance.

**SECTION 13.** If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

**SECTION 14.** All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

**SECTION 15.** Each agency of the State funded through the provisions of this Act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

**SECTION 16.** This Act shall become effective October 1, 1997.

Senator Dial offered the following amendment to the substitute for the Bill, HB 98, to-wit:

**AMENDMENT TO SUBSTITUTE FOR HB 98**

Amend the substitute for HB 98 on page 85, by adding the following after line 2:

“25,000 shall be allocated to the Emerald Triangle Commission;”

Which was adopted.

Senator Little offered the following amendment to the substitute, as amended, for the Bill, HB 98, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 98**

Amend the substitute, as amended, for HB 98 on page 13, line 18 by deleting the figure “13,347,254” and inserting in lieu thereof the figure “13,307,254”

Further amend on page 13, line 20 by deleting the figure “\$2,000,000” and inserting in lieu thereof the figure “\$1,960,000”

Further amend on page 14, lines 5 and 13 by deleting the figure “10,387,567” and inserting in lieu thereof the figure “10,347,567”

Further amend on page 14, line 13 by deleting the figure “22,609,567” and inserting in lieu thereof the figure “22,569,567”

Further amend on page 34, line 14 by deleting the figure “54,561,621” and inserting in lieu thereof the figure “54,601,621”

Further amend on page 34, line 31, after the word “Authority;” by inserting the following:

“\$40,000 shall be transferred to Camp ASCCA for Handicapped Recreational Services;”

Further amend on page 35, lines 15 and 26 by deleting the figure “13,354,845” and inserting in lieu thereof the figure “13,394,845”

Further amend on page 35, line 26 by deleting the figure “168,947,525” and inserting in lieu thereof the figure “168,987,525”

Which was adopted.

Senator Hale offered the following amendment to the substitute, as amended, for the Bill, HB 98, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 98**

Amend the substitute, as amended, for HB 98 on page 3, lines 5 and 10 by deleting the figure “12,586,493” and inserting in lieu thereof the figure “12,386,493”

Further amend on page 3, lines 7 and 10 by deleting the figure "11,086,493" and inserting in lieu thereof the figure "10,886,493"

Further amend on page 19, lines 27, 29, and 30 by deleting the figure "623,569" each time it appears and inserting in lieu thereof the figure "823,569"

On motion of Senator Freeman, said amendment was laid on the table.

Senator Little offered the following amendment No. 2, to the substitute, as amended, for the Bill, HB 98, to-wit:

**AMENDMENT NO. 2 TO SUBSTITUTE, AS AMENDED, FOR HB 98**

Amend the substitute, as amended, for HB 98 on page 13, line 25 after the period by inserting the following:

"The spending plan for the Boll Weevil Eradication Program appropriation must receive approval of the Legislative Council before any money is expended."

Further amend on page 13, line 21 after the word "Program" by inserting the following:

"and for other agricultural research"

Which was adopted.

Senator Hale offered the following amendment No. 2 to the substitute, as amended, for the Bill, HB 98, to-wit:

**AMENDMENT NO. 2 TO SUBSTITUTE, AS AMENDED, FOR HB 98**

Amend the substitute, as amended, for HB 98 on page 90, lines 18 and 23, by deleting the figure "968,774" every time it appears and inserting in lieu thereof the figure "1,168,774"

Further amend the substitute, as amended, for HB 98 on page 90, lines 20 and 23, by deleting the figure "912,774" every time it appears and inserting in lieu thereof the figure "1,112,774"

Which was adopted.

Senator Barron offered the following amendment to the substitute,

as amended, for the Bill, HB 98, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR HB 98**

Amend the substitute, as amended, for HB 98 on page 35 line 7 by striking the figure “4,477,422” and insert in lieu thereof “4,627,422”

Further amend on page 35 after line 15 by inserting the following subsection 2 and renumbering the remaining sections accordingly:

“(2) State General Fund transfer to Surplus  
Property Program ..... 150,000

Further amend on page 26 line 26 by striking the figures “13,354,845” and “168,947,525” and inserting in lieu thereof “13,504,845” and “169,097,525”

Further amend on page 36, line 24 by deleting the number “9,854,864” and inserting in lieu thereof “9,704,864”

Further amend on page 27, line 17 by deleting the number “160,316,251” and inserting in lieu thereof “160,166,251”

Further amend on page 28, line 10 by deleting the numbers “160,316,251” and “201,533,487” and inserting in lieu thereof “160,166,251” and “201,383,487”

Which was adopted.

Senator Poole offered the following amendment to the substitute, as amended, for the Bill, HB 98, to-wit:

**AMENDMENT TO THE SUBSTITUTE, AS AMENDED, FOR HB 98**

Amend the substitute, as amended, for HB 98 on page 15, lines 4 and 7 by deleting the figure “25,000” each time it appears and inserting in lieu thereof the figure “35,000”

**PETITION**

At 3:45 P.M., the Standing Committee on Rules filed the following Petition, to-wit:

**PETITION TO CLOSE DEBATE**

We, the undersigned members of the Senate Rules Committee, peti-

tion the Senate, pursuant to Senate Rule 20, that debate on the pending measure, HB 98, shall cease at 4:15 P.M., on April 29, 1997.

PAT LINDSEY  
ROGER BEDFORD  
RODGER SMITHERMAN  
CHIP BAILEY  
WENDELL MITCHELL  
JACK BIDDLE

### **FURTHER CONSIDERATION OF HB 98**

The Senate proceeded to further consideration of the Bill, HB 98, as amended. The question was on the Poole amendment to the Freeman substitute, as amended.

### **FURTHER CONSIDERATION OF CLOTURE PETITION**

The Senate proceeded to further consideration of the Cloture Petition relative to the Bill, HB 98, to cease debate at 4:15 P.M.

Which was adopted

Yeas 24 Nays 5

Yeas:

Senators:

Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, and Windom-24

Nays:

Senators:

Adams, Armistead, Lipscomb, Little, and Poole

- 5

### **FURTHER CONSIDERATION OF HB 98**

The Senate proceeded to further consideration of the Bill, HB 98, as amended. The question was on the Poole amendment to the Freeman substitute, as amended.

On motion of Senator Dial, said amendment was laid on the table.

Senator Dial then offered the following amendment No. 2 to the substitute, as amended, for the Bill, HB 98, to-wit:

**AMENDMENT NO. 2 TO THE SUBSTITUTE,  
AS AMENDED, FOR HB 98**

Amend the substitute, as amended, for HB 98 on page 48, line 16 by deleting the figure "26,260,842" and inserting in lieu thereof the figure "26,160,842"

Further amend on page 48, line 24 by deleting the figure "38,263,344" and inserting in lieu thereof the figure "38,163,344"

Further amend on page 49, line 18 by deleting the figures "38,263,344" and "366,219,492" respectively and inserting in lieu thereof the figures "38,163,344" and "366,119,492" respectively

Further amend on page 34, line 14 by deleting the figure "54,601,621" and inserting in lieu thereof the figure "54,701,621"

Further amend on page 34, line 31 after the word "Authority;" by inserting the following:

"\$100,000 shall be expended for tornado relief and cleanup in Rainsville;"

Further amend on page 35, line 15 by deleting the figure "13,394,845" and inserting in lieu thereof the figure "13,494,845"

Further amend on page 35, line 26 by deleting the figures "13,544,845" and "169,137,525" and inserting in lieu thereof the figures "13,644,845" and "169,237,525" respectively.

Which was adopted.

Senator Dial then offered the following amendment No. 3 to the substitute, as amended, for the Bill, HB 98, to-wit:

**AMENDMENT NO. 3 TO THE SUBSTITUTE,  
AS AMENDED, FOR HB 98**

Amend the substitute, as amended, for HB 98 on page 30 after line 5 by adding the following:

"Of the above appropriation at least \$500,000 shall be expended for advertising to promote economic development."

Further amend on page 30, line 5 by deleting the figure "4,668,531"



and by inserting in lieu thereof the figure "5,168,531"

Further amend on page 30, line 8 by deleting the figure "4,568,531" and by inserting in lieu thereof the figure "5,068,531"

Further amend on page 30, line 12 by deleting the figures "4,805,612" and "4,905,612" and by inserting in lieu thereof the figures "5,305,612" and "5,405,612" respectively.

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 31 Nays 2

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays:

Senators:

Adams and Lipscomb - 2

And said Bill, HB 98, as thus amended, was read a third time at length and passed.

Yeas 28 Nays 5

Yeas:

Senators:

Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

Senators:

Adams, Amari, Armistead, Lipscomb, and Poole - 5

Senator Butler moved that the Senate reconsidered the vote by which the Bill, HB 98, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## MESSAGE FROM THE HOUSE

Mr. President:

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The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 565.** To amend Sections 34-8-1, 34-8-7, and 34-8-9, Code of Alabama 1975, to provide further for the Licensing Board for General Contractors and to provide for a delayed effective date.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

**SB 75.** Relating to Mobile County; to provide for an expense allowance to members of the board of directors of water, sewer, and fire protection authorities in Mobile County.

Also:

**SB 307.** Relating to Jefferson County; to amend Section 3 of Act No. 95-783, H. 808 of the 1995 Regular Session; to repeal the preclusion relating to the distribution of the lodging tax.

Also:

**SB 491.** Relating to Jefferson County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

Also:

**SB 525.** Relating to Mobile County; amending Act 90-697, H.

991, 1990 Regular Session (Acts 1990, p. 1352), as amended by Act 95-445, S. 451, 1995 Regular Session (Acts 1995, p. 941), which provides for the creation, maintenance, and regulation of districts for fighting or preventing fires, to provide further for the election of the members of the board of trustees and for the filling of vacancies.

Also:

**SB 639.** Relating to Calhoun County; establishing the Fort McClellan Development Commission; providing for the composition, terms, duties, and powers of the commission.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 116.** URGING THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO REMOVE THE ENVIRONMENTAL CONTAMINATION AT THE INTERSTATE LEAD COMPANY SUPERFUND SITE IN LEEDS, ALABAMA.

Also:

**SJR 117.** COMMENDING MR. EARL MCDONALD OF FAYETTE COUNTY, ALABAMA.

Also:

**SJR 119.** EXPRESSING OPPOSITION TO TVA PROPOSAL TO ELIMINATE FUNDING FOR NONPOWER PROGRAMS.

Also:

**SJR 121.** COMMENDING JACK GAULDIN FOR OUTSTANDING SERVICE TO OUR YOUTH.

Also:

**SJR 122.** COMMENDING THE CARROLLTON LADY INDIANS BASKETBALL TEAM ON ITS STATE CHAMPIONSHIP SEASON.

Also:

**SJR 123.** COMMENDING THE TUSCALOOSA ACADEMY BOYS BASKETBALL TEAM ON CAPTURING ITS 3A STATE CHAMPIONSHIP.

Also:

**SJR 124.** COMMENDING THE TUSCALOOSA CHRISTIAN GIRLS BASKETBALL TEAM ON ITS CHAMPIONSHIP.

Also:

**SJR 125.** COMMENDING THE OPEN DOOR BAPTIST LADY EAGLES BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 127.** COMMENDING MR. AND MRS. TEDDY R. BRASHER, JR., ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

**SJR 128.** RENAMING THE CHILTON COUNTY AREA VOCATIONAL CENTER IN CLANTON, ALABAMA, THE W. A. "BING" LECROY VOCATIONAL CENTER.

Also:

**SJR 129.** REQUESTING A RECESS FROM NOON UNTIL 1:30 P.M. ON MAY 1, 1997, TO OBSERVE THE 1997 NATIONAL DAY OF PRAYER.

PAT LINDSEY,  
Chairperson.

## **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

## **REPORTS OF COMMITTEES**

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Curry and Fuller (With Substitute):

**HB 216.** To provide for a FY 1996-97 supplemental General Fund appropriation in the amount of \$15,853,165 to various state agencies; to provide for a FY 1996-97 supplemental appropriation to the Office of the Attorney General from the Attorney General Special Revenue Fund in the amount of \$700,000; to provide for a FY 1996-97 supplemental appropriation to the Department of Corrections from the Corrections Special Revenue Fund in the amount of \$7,800,000; to provide for a FY 1996-97 supplemental appropriation to the Department of Finance from the Data Center Revolving Fund in the amount of \$8,000,000; to provide for a FY 1996-97 supplemental appropriation to the Department of Forensic Sciences from the Chemical Test Fund in the amount of \$800,000; to provide for a FY 1996-97 supplemental appropriation to the Board of Licensure for Professional Geologists from the Board of Licensure for Professional Geologists Fund in the amount of \$50,000; to provide for a FY 1996-97 supplemental appropriation to the Board of Polygraph Examiners from the Board of Polygraph Examiners Fund in the amount of \$5,000; to provide for a FY 1996-97 supplemental appropriation to the University of Alabama at Birmingham School of Optometry from the University of Alabama at Birmingham School of Optometry Fund in the amount of \$36,464; and to provide for an effective date.

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By Rep. Fuller (With Substitute):

**HB 745.** To make an appropriation of \$261,317 from the State General Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1998.

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Fuller:

**HB 746.** To amend Section 36-29-7 of the Code of Alabama 1975, to provide for a reserve in the health insurance fund administered by the State Employees' Insurance Board.

By Rep. Johnson (R):

**HB 797.** To make an appropriation of \$100,000 from the State General Fund to the Alabama Child Caring Program for the Alabama Caring Program for Children, for the fiscal year ending September 30, 1997, and to require an operations plan within one month after the effective date of this act.

By Reps. Fuller, Hammett, Galliher, Boyd, Johnson (R), Dolbare, Jackson, Vance, Clark (W), Maull, and Minnifield:

**HB 1027.** To amend Sections 40-26B-20, 40-26B-21, 40-26B-22, and 40-26B-26, Code of Alabama 1975, relating to increasing the privilege tax on the business activities of nursing facilities within the State of Alabama from \$999.96 per facility bed to \$1,200 per facility bed, to place an annual cap on the privilege tax of 6 percent of total revenues received by nursing facilities, and further, providing clarifying language relative to certain Medicaid program nursing facility reimbursement requirements.

Senator Lindsey, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 270.** DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE EDUCATION TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1998.

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Education Trust Fund:

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the sum of \$16,000,000 shall be withdrawn from the Proration Prevention Account and shall be transferred to the Education Trust Fund on or after October 1, 1997, to be available for appropriation by the Legislature for the fiscal year ending September 30, 1998.

BE IT FURTHER RESOLVED, That this resolution shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Little, said Resolution, HJR 270, was concurred in and adopted by the Senate.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedford, Freeman, Steele, Lindsey, and McClain (With Substitute):

**SB 649.** To provide for punitive damages in certain civil actions; to provide for unlimited punitive damages awards in wrongful death actions and in actions evidencing intentional and willful conduct; and to limit the awarding of punitive damages in civil actions involving wanton or reckless conduct.

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Ford:

**HB 14.** Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

Senator Bedford, Chairperson of the Standing Committee on Judi-

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ciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Haney, Hooper, McDaniel, Clark (J), Guin, Carter, Layson, Sims, McKee, Dean, Penry, Sanderford, Laird, Gaines, Gipson, Curry, Petelos, Jorgensen, Hawkins, Morton, Hill, Thomas (D), Knight (A), Sanderson, Allen, Townsend, Payne, Burke, Pringle, Crigler, Gaston, McMillan, Vance, Wren, Flowers, Johnson (R), Seibenhener, Baker, Moore, Clouse, Hamilton, Morrow, Galliher, Carns, Lindsey, Spratt, Melton, and Smith (With Substitute):

**HB 302.** Relating to civil actions for fraud to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered, the fraud, to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into one cause of action whether committed by misrepresentation or suppression; and to specifically repeal Section 6-11-27 and Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Parker (T):

**HB 701.** To provide for distinctive motor vehicle license plates for members of the Alabama Association of Realtors; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Turner:

**HB 333.** To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund and for the deposit of fees from the license provided by this act into the endowment fund.



By Rep. Turner:

**HB 431.** To amend Section 9-11-141 of the Code of Alabama 1975, relating to commercial fishing licenses, to exempt residents age 65 or older from the requirement to obtain a license.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Johnson (R) and Drake:

**HB 625.** To authorize registered nurses employed by the State Health Department or county health departments to dispense legend drugs under the supervision of a physician and a pharmacist pursuant to procedures established by the State Board of Pharmacy; and for this purpose to amend Section 34-23-11 of the Code of Alabama 1975.

Senator Barron, Chairperson of the Standing Committee on Finance and Taxation General Fund, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Robinson:

**HB 529.** To provide site preparation grants to certain qualified corporations and to provide for retroactive effect.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Fuller and Curry:

**HB 129.** To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Mitchem, Chairperson of the Standing Committee on Con-

firmations, reported that said committee, in session, had acted on the following Governor's Appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Vickie Gavin to the Jacksonville State University Board of Trustees

Appointment of Douglas Reynolds to the Social Studies Course of Study Committee

Appointment of Susan Haughton to the Social Studies Course of Study Committee

Appointment of Carol Haynes to the Social Studies Course of Study Committee

Appointment of Phillip Brady, Jr. to the Social Studies Course of Study Committee

Appointment of Ralph Long to the Social Studies Course of Study Committee

Appointment of Doci Haslam to the Social Studies Course of Study Committee

Appointment of Fain Thornton to the Cahaba Trace Commission

Appointment of Joseph Whitten to the Cahaba Trace Commission

Appointment of Daniel Stewart to the Cahaba Trace Commission

Appointment of Katherine Rugg to the Cahaba Trace Commission

Appointment of Coline Sheffield to the Credit Union Board

Appointment of Ronald Parker to the Alabama Real Estate Appraisers Board

Appointment of Thomas Thompson to the Textbook Committee

Appointment of Jackie Lord to the Arts Education and Foreign Languages Courses of Study Committee

Appointment of Joyce French to the Arts Education and Foreign Languages Courses of Study Committee

Appointment of Catherine Harris Cramer to the Arts Education and Foreign Languages Courses of Study Committee

Appointment of Tom Jackson to the Educational Television Commission

Appointment of Clovis Malmede, Jr., to the Textbook Committee

Appointment of Carol Bumpers to the Textbook Committee

Appointment of Carole Barnett to the Textbook Committee

Appointment of Susan Stephens to the Textbook Committee

Appointment of Susan Turner to the Textbook Committee

Promotion of Colonel Paul M. Majerick to the rank of Brigadier General

Appointment of Dr. Dannetta Thornton Owens to the Alabama Educational Television Commission

Appointment of Johnny Blackmon to the Arts Education and Foreign Languages Courses of Study Committee

Promotion of Colonel Dalton Diamond to the rank of Brigadier General

Promotion of Colonel Edwin Wright to the rank of Brigadier General

Promotion of Colonel John Scales to the rank of Brigadier General

Appointment of R. Crawford Welch, Jr., to the Real Estate Commission

Appointment of Lea Ellison to the Arts Education and Foreign Languages Courses of Study Committee

Appointment of Joseph Jennings, Jr., to the Alabama Heritage Trust Fund Board

Appointment of Jean Galloway to the Arts Education and Foreign Languages Courses of Study Committee

Appointment of Roy Gilbert, Jr., the Alabama Trust Fund

Appointment of Edward Crowell to the Alabama Board of Massage Therapy

Appointment of Denise Walker to the Alabama Board of Massage Therapy

Appointment of Carl F. Bailey to the Alabama Trust Fund

Which were read and referred to the Standing Committee on Rules.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Starkey, Fuller, Hammett, Clark (J), Carter, and Hamilton:

**HB 1012.** To amend Section 40-23-62, Code of Alabama 1975, relating to exemptions from use tax, to provide that a transaction is exempt from use tax if sales tax has been paid on the transaction by the purchaser; and to provide for a retroactive effective date.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Notice and Proof):

**SB 539.** Relating to Dale County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; and defining the authority, powers, and duties of the county engineer and county commission.

By Senator Butler (With Notice and Proof):

**SB 693.** Relating to Limestone County; to further provide for the expense allowance of the coroner; and to authorize the coroner to employ an assistant coroner and up to two deputy coroners whose salaries shall be set by the county commission.

By Senator Lipscomb (With Notice and Proof):

**SB 697.** Relating to Baldwin County; providing for additional

court costs to be imposed on each person incarcerated in the Baldwin County jail; and providing for distribution of the revenues to be derived from the additional court costs.

By Senator Lipscomb (With Notice and Proof):

**SB 698.** Relating to Baldwin County; authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

By Senator Lipscomb (With Notice and Proof):

**SB 699.** Relating to Baldwin County; amending Sections 2 and 3 of Act No. 85-684, H. 1056, (Acts 1985, p. 1097), relating to court charges and the Baldwin County Law Library and Judicial Administration Fund, to make the \$1.50 court costs applicable in civil and quasi civil actions, equity, criminal, quasi criminal, proceedings on forfeited bail or forfeited bond in the circuit court of Baldwin County under certain conditions applicable in the Juvenile Court and in civil actions filed in the District Court of Baldwin County; and providing that this act shall be construed together with other laws relating to court costs in Baldwin County, and ratifying collections retroactively to January 1, 1977.

By Senator Lipscomb (With Notice and Proof):

**SB 700.** Relating to Baldwin County; to allow the Baldwin County Commission to appropriate funds for lunches for state and county inmates who are performing labor in the county; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.

By Senator Lipscomb (With Notice and Proof):

**SB 701.** Relating to Baldwin County; to ratify the election of the current county commission; to provide for the creation of a study committee to study the form, structure, and authority of county government in the county; and to provide for an advisory referendum on the final proposal of the committee.

By Senator Barron (With Notice and Proof):

**SB 706.** To alter and rearrange the boundaries of the City of Rainsville, DeKalb County, Alabama, so as to annex and include within the

corporate limits thereof the territory hereinafter described.

By Rep. Clouse (With Notice and Proof):

**HB 31.** Relating to Houston County; to impose a fee of \$35 as a processing fee to compile and print a list for the general public of all holders of a privilege or business license issued by the judge of probate for an entire fiscal year or a fiscal year to date; and a fee of \$20 for compiling and printing lists and updates of a single month new privilege or business licenses issued by the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

By Rep. Rogers (M):

**HB 166.** Relating to Calhoun County; proposing an amendment to the Constitution of Alabama of 1901, to create a committee composed of two persons appointed by the Democratic Party, two persons appointed by the Republic Party, and the judge of probate to design and approve primary election ballots.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Rogers (M) (With Notice and Proof):

**HB 686.** To alter and rearrange the boundary lines and corporate limits of the municipality of Blue Mountain in Calhoun County to remove certain property from the corporate limits of the municipality, all property owned only by Blue Mountain Industries.

By Rep. Rogers (M) (With Notice and Proof):

**HB 779.** Relating to Calhoun County; providing reimbursement to the county, the county commission, or to any municipality in the county for the expenditures for advertising a proposed local law raising revenues for a local entity whether public or private.

By Rep. Boyd (With Notice and Proof):

**HB 812.** Relating to Calhoun County; amending Sections 3, 4, and 6 of Act No. 95-375, H. 612 of the 1995 Regular Session (Acts 1995, p. 763), authorizing any city in the county and the county commission to abate public nuisances; reducing the number of public meetings; and authorizing independent contractors to abate public nuisances.

By Reps. Ford, Galliher, and Page (With Notice and Proof):

**HB 864.** Relating to Etowah County; to amend Sections 2 and 3, Act 95-284, H. 73, 1995 Regular Session, relating to the collection and distribution of the county sales and use tax effective January 1, 1996, to provide for the administration and collection of the tax by either the Etowah County Commission or a private entity; and to provide for annual distribution of the proceeds.

By Rep. Hill (With Notice and Proof):

**HB 902.** Relating to Shelby County; providing for the payment of a county salary supplement to each Circuit Judge and the District Attorney of the Eighteenth Judicial Circuit and to each Shelby County District Judge; providing for certain additional increases in the supplement; providing for the termination of the supplement under certain conditions; and repealing conflicting law.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were read a second time and placed on the calendar, to-wit:

By Rep. Galliher (With Notice and Proof) (With Amendment):

**HB 942.** Relating to Etowah County; to amend Sections 1, 2, 3, and 4 of Act 96-506, H. 992, 1996 Regular Session (Acts 1996, p. 643), to further provide for the court costs to be imposed on persons incarcerated in the Etowah County jail.

By Rep. Boyd (With Notice and Proof) (With Amendment):

**HB 947.** Relating to Talladega County, to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide for the collection and disposition of a special recording fee; and to provide that the system shall constitute official and permanent records in Talladega County.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Smith (With Notice and Proof):

**HB 954.** Relating to Chilton County; to amend Section 1 of Act 89-478, H. 811, 1989 Regular Session (Acts 1989, p. 1001); providing for a special recording fee for each document filed for record in the office of the judge of probate and to provide for the distribution of such fees.

By Rep. Johnson (R) (With Notice and Proof):

**HB 974.** Relating to the City of Sylacauga in Talladega County; authorizing the utilities board of the City of Sylacauga to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the board and in the surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by the board in connection with the systems; providing for the payment of the bonds and other evidences of indebtedness and the rights of holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

By Rep. Morrow (With Notice and Proof):

**HB 976.** Relating to Franklin County, to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide the collection and disposition of a special recording fee; and to provide that said system shall constitute official and permanent records in Franklin County.

By Rep. Hogan (With Notice and Proof):

**HB 989.** Relating to the City of Sumiton in Walker County and the 14th Judicial Circuit; to levy certain additional costs and charges of court, to provide that the costs and charges shall be placed in a special Hazardous Duty Pay Fund, to provide hazardous duty pay for all sworn City of Sumiton police officers and all City of Sumiton jailers; to provide for the City Council of Sumiton to increase the amount of hazardous duty payments; and to provide for implementation of this act.

Senator McClain, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on



the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Waggoner (With Notice and Proof):

**SB 602.** Relating to Jefferson County, permitting the sampling of beer in certain industry-related closed functions or trade expositions.

By Senator Biddle (With Notice and Proof):

**SB 714.** Relating to the Elected Assistant District Attorney's Office, Tenth Judicial Circuit, Jefferson County, Bessemer Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: No. 245, H. 845, 1975 Regular Session (Acts 1975, p. 773); Act No. 87-721, H. 896, 1987 Regular Session (Acts 1987, p. 1411); Act No. 90-202, H. 449, 1990 Regular Session (Acts 1990, p. 237); and Act No. 93-648, S. 382, 1993 Regular Session (Acts 1993, p. 1119); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit, Bessemer Division.

By Senator Smitherman (With Notice and Proof):

**SB 663.** Relating to Jefferson County; to provide further for the maintenance, operation, and financing of the county law library for the Birmingham Division of the 10th Judicial Circuit; to impose additional court filing fees to the fees presently in effect in the Birmingham Division of the 10th Judicial Circuit of Alabama; to provide for the payment of those funds into the existing Birmingham Division Law Library Fund; and to provide that the presiding circuit judge shall administer the Birmingham Division Law Library Fund and public law library.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

**HB 27.** To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

said Governor's Message being in words and figures as follows, to-wit:

**MESSAGE FROM THE GOVERNOR**

To the House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 27, without the Governor's signature and with a suggested Executive Amendment.

Done this 22nd day of April, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the Governor.

To the House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 27, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 27:

Please amend on page 2, line 24, by deleting the word "immediately" and inserting in lieu thereof the language "after the inclusion of adequate funding for this salary increase in the General Appropriations Act (House Bill 98 of the 1997 Regular Session of the Alabama Legislature) and".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done this 22nd day of April, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 27, by a vote of a majority of those voting, said vote being: Yeas 85, Nays 0.

And said Bill, HB 27, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Lindsey, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 27, the title of which and said Executive Amendment are set out in the foregoing Message from the House.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

- 0

which was a majority of the whole number elected to the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Laird:

**HJR 398.** CREATING THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ALABAMA FORESTRY COMMISSION, VOLUNTEER FIRE DEPARTMENTS, AND THE RURAL COMMUNITY FIRE PROTECTION INSTITUTE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby cre-

ated the Joint Interim Legislative Committee on the Alabama Forestry Commission, Volunteer Fire Departments, and the Rural Community Fire Protection Institute. The committee shall be composed of four members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the working relationships between and among the Alabama Forestry Commission, volunteer fire departments, and the Rural Community Fire Protection Institute.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 10th legislative day of the 1998 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$7,000.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Butler, the Rules were suspended and the Resolution, HJR 398, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Millican:

**HJR 223. COMMENDING THE MARION COUNTY RED**

RAIDERS FOR EXTRAORDINARY ACHIEVEMENT.

Also:

By Rep. Wren:

**HJR 224.** COMMENDING THE OPTIMIST CLUB OF EAST MONTGOMERY.

Also:

By Rep. Crigler:

**HJR 225.** HONORING DONALD ARTHUR DALE AND RUBY BOSARGE DALE ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. McKee:

**HJR 227.** COMMENDING MAJOR GENERAL GEORGE BIBB PICKETT, JR.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Bedford, the Rules were suspended and the Resolution, HJR 223, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Dixon, the Rules were suspended and the Resolutions, HJR's 224 and 227, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Windom, the Rules were suspended and the Resolution, HJR 225, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

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Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Carns:

**HJR 315.** CELEBRATING THE LIFE OF CLAUDINE JUDIN  
(DINE) BARCLAY OF BIRMINGHAM, ALABAMA.

Also:

By Rep. Collins:

**HJR 318.** COMMENDING FAYETTE COUNTY HIGH  
SCHOOL FOOTBALL TEAM ON THEIR 1996 4-A CHAMPIONSHIP  
SEASON.

Also:

By Reps. Hill, Knight (A), Curry, Gaines, Smith, and Carns:

**HJR 319.** COMMENDING THE CALERA HIGH SCHOOL  
BOYS' BASKETBALL TEAM.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Waggoner, the Rules were suspended and the Resolution, HJR 315, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Bedford, the Rules were suspended and the Resolution, HJR 318, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Davidson, the Rules were suspended and the Resolution, HJR 319, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint

Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Crigler:

**HJR 273.** COMMENDING ROBERT E. PERKINS ON HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

By Rep. Gaines:

**HJR 274.** COMMENDING MRS. ANNETTE WISNIEWSKI FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Rep. Carns:

**HJR 275.** COMMENDING MRS. MARGIE ALVIS FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Rep. Carns:

**HJR 276.** COMMENDING MRS. DEBORAH LITTLE FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

By Rep. Hall (L):

**HJR 277.** HONORING DR. JOHN T. GIBSON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 273, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolutions, HJR's 274, 275, 276, and 277, set out in the fore-

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going Message from the House, were read and referred to the Standing Committee on Rules.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 131. SPECIAL ORDER CALENDAR.**

BE IT RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business immediately upon disposition of Senate Resolution 130 for the Twenty-Fifth Legislative Day of the 1997 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

	Page
By Rep. Fuller: <b>HB 99.</b> State employees, comp. incr.	223
By Rep. Fuller: <b>HB 194.</b> Public Health, approp.	166
By Rep. Fuller: <b>HB 109</b> Marion Military Institute, approp.	163
By Rep. Fuller: <b>HB 110.</b> Lyman Ward Military Academy, approp.	164
By Rep. Fuller: <b>HB 108.</b> Talladega College, approp.	165
By Rep. Fuller: <b>HB 93.</b> Tuskegee University, approp.	165
By Rep. Fuller: <b>HB 105.</b> Rehabilitation Services Dept., approp.	204



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By Rep. Fuller: <b>HB 104.</b> Space Science Exhibit Commission, approp.	166
By Rep. Fuller: <b>HB 111.</b> Youth Services Dept., approp.	164
By Rep. Fuller: <b>HB 94.</b> AIDS Task Force of Alabama, Inc., approp.	167
By Rep. Fuller: <b>HB 95.</b> Black Belt Human Resource Development Center, approp.	204
By Rep. Fuller: <b>HB 197.</b> Camp ASCCA, approp.	167
By Rep. Fuller: <b>HB 102.</b> Children's Hospital, Birmingham, approp.	168
By Rep. Kennedy: <b>HB 401.</b> Children's and Women's Hospital in Mobile, Alabama, approp.	168
By Rep. Parker (T): <b>HB 613.</b> Children's Hands-On Museum, approp.	169
By Rep. Curry: <b>HB 195.</b> Birmingham Children's Theatre, approp.	170
By Rep. Haney: <b>HB 639.</b> Constitution Hall Village, approp.	211
By Rep. Curry: <b>HB 128.</b> Kate Duncan Smith DAR School, approp.	170

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By Rep. Fuller: <b>HB 126.</b> Educational Resources, Inc., approp.	207
By Rep. Curry: <b>HB 125.</b> Epilepsy Foundation of Alabama, approp.	206
By Rep. Curry: <b>HB 196.</b> Emergency Medical Services programs, Dept of Public Health to fund, approp.	209
By Rep. Fuller: <b>HB 124.</b> Exploreum Museum of Discovery, approp.	206
By Rep. Fuller: <b>HB 127.</b> East Alabama Child Development Center, approp.	207
By Rep. Curry: <b>HB 123.</b> Helen Keller Eye Research Foundation, approp.	205
By Rep. Fuller: <b>HB 425.</b> Humanities Foundation, approp.	210
By Rep. Curry: <b>HB 130.</b> Central Alabama Opportunities Industrialization Center, approp.	208
By Rep. Kennedy: <b>HB 131.</b> Sickle Cell Education Program, approp.	208
By Rep. Curry: <b>HB 198.</b> Special Schools, approp.	210
By Rep. Curry: <b>HB 122.</b> United Cerebral Palsy of Alabama, United Cerebral Palsy	205

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Dev. Center, United Cerebral Palsy, Huntsville, Mobile;  
Cerebral Palsy Housing Foundation, Simpson-May Cere-  
bral Palsy Center, approp.

By Rep. Fuller:	
<b>HB 132.</b>	209
YMCA Youth and Government, approp.	
By Rep. Fuller:	
<b>HB 424.</b>	220
Sports Festival, approp.	
By Sen. Bedford:	
<b>SB 120.</b>	200
Woodworking Technology, approp.	
By Rep. Fuller:	
<b>HB 186.</b>	169
Metropolitan Arts Council, approp.	
By Rep. Curry:	
<b>HB 121.</b>	212
Commission on Aging, Care Assurance System, approp.	
By Rep. Curry:	
<b>HB 120.</b>	213
Beacon House, approp.	
By Rep. Fuller:	
<b>HB 7.</b>	214
Children's Advocacy Centers, Inc., approp.	
By Rep. Curry:	
<b>HB 118.</b>	215
Coalition Against Domestic Violence, approp.	
By Rep. Curry:	
<b>HB 115.</b>	215
Coosa-Alabama River Improvement Association, approp.	
By Rep. Curry:	
<b>HB 116.</b>	216
Elyton Recovery Center, approp.	
By Rep. Curry:	
<b>HB 114.</b>	216
Alabama Kidney Foundation, Inc., approp.	

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By Rep. Curry:	
<b>HB 138.</b>	217
Lighthouse Counseling Center, approp.	
By Rep. Fuller:	
<b>HB 215.</b>	217
Montgomery Minority Business Development Center, approp.	
By Rep. Curry:	
<b>HB 137.</b>	218
Parkinson Association, approp.	
By Rep. Curry:	
<b>HB 136.</b>	218
Retired Senior Volunteer Program, approp.	
By Rep. Curry:	
<b>HB 135.</b>	219
Sentencing Institute, approp.	
By Rep. Fuller:	
<b>HB 134.</b>	219
Shoals Entrepreneurial Center, approp.	
By Rep. Curry:	
<b>HB 97.</b>	220
Travel Council, approp.	
By Rep. Fuller:	
<b>HB 96.</b>	221
Tri-Rivers Waterway Development Authority, approp.	
By Rep. Fuller:	
<b>HB 133.</b>	221
Warrior-Tombigbee Waterway Development Association, approp.	
By Rep. Kennedy:	
<b>HB 112.</b>	222
Alabama's Junior Miss Pageant, approp.	
By Rep. Kennedy:	
<b>HB 113.</b>	222
America's Junior Miss Pageant, approp.	

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By Rep. Curry:

**HB 926.**

213

Autism Society of Alabama, approp.

By Rep. Fuller:

**HB 117.**

214

Council on Child Abuse, approp.

On motion of Senator Lindsey, the Resolution was adopted by the Senate.

On motion of Senator Barron, the Senate reconsidered the vote by which the Resolution, SR 131, was adopted.

Yeas 21 Nays 11

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Hill, Lipscomb, Little, Mitchem, Myers, Poole, Roberts, Smith, Waggoner, and Windom

-21

Nays:

Senators:

Biddle, Escott-Russell, Figures, Freeman, Langford, Lindsey, McClain, Mitchell, Sanders, Smitherman, and Steele

-11

Senator Windom moved that the Resolution, SR 131, be laid on the table, which motion lost.

Senator Lindsey moved that said Resolution, SR 131, be adopted, which motion then lost.

Yeas 10 Nays 23

Yeas:

Senators:

Escott-Russell, Figures, Freeman, Langford, Lindsey, McClain, Mitchell, Sanders, Smitherman, and Steele

-10

Nays:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Hale, Hill, Lipscomb, Little, Mitchem, Myers, Poole, Roberts, Smith, Waggoner, and Windom

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**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Papucci and Jorgensen (With Notice and Proof):

**HB 918.** Relating to Madison County; to exempt the Madison Athletic Association, the Madison Baseball Association, the Youth Development Association, Inc., the Madison Dolphins Swim Team, the Westco Girls Softball Team, and the American Youth Soccer Organization, Region 498, from the payment of all county and municipal sales and use taxes under certain conditions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 918, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 918 - to the Committee on Local Legislation No. 1

**MOTION TO ADJOURN LOST**

At 5:12 P.M. Senator Smitherman moved that the Senate adjourn until Thursday, May 1, 1997, at 10 o'clock A.M., which motion lost.

Yeas 8 Nays 20

Yeas:

Senators:

Escott-Russell, Langford, Lindsey, McClain, Roberts, Sanders, Smitherman, and Steele

Nays:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Hale, Little, Mitchem, Myers, Poole, Waggoner, and Windom  
-20

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Crigler (With Notice and Proof):

**HB 260.** Amending Section 13 of Act No. 243, H. 278 of the 1964 First Special Session (Acts 1964, p. 326), relating to the pension and relief system for policemen and firemen of the City of Mobile, in Mobile County, to further provide for disabling disabilities; to exclude certain disabling disabilities; and to amend Section 2 of Act No. 95-571, H. 958 of the 1995 Regular Session (Acts 1995, p. 1194), relating to certain conditions existing at the time of employment in determining disability eligibility under the plan.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 260, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Burke (With Notice and Proof):

**HB 916.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Pine Ridge in DeKalb County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 916, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

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Also:

By Reps. Jorgensen, Haney, and Sanderford (With Notice and Proof):

**HB 985.** Relating to Madison County; amending Act 90-286, H. 719 of the 1990 Regular Session (Acts 1990, p. 379), prescribing the salary of the sheriff; to provide further therefor.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 985, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Turnham (With Notice and Proof):

**HB 978.** To authorize an additional county salary supplement for the district judges of Lee County, and to provide that the provisions of this act shall be effective October 1, 1997.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 978, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 260 - to the Committee on Local Legislation No. 3

HB's 916, 985, and 978 - to the Committee on Local Legislation  
No. 1



**FURTHER CONSIDERATION OF HB 187**

The Senate proceeded to further consideration of the Bill:

**HB 187.** To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

and pending Langford substitute, which said substitute was offered on the Twenty-Fourth Legislative Day.

And said substitute, was then adopted, to-wit:

**SUBSTITUTE FOR HB 187**

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, are amended to read as follows:

“§41-16-20.

“~~All~~ With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all contracts of whatever nature for labor, services, work, or for the purchase or lease of materials, equipment, supplies, or other personal property, involving ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or more, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office shall, except as otherwise provided in this article, be let by free and open competitive bidding, on sealed bids, to the lowest responsible bidder.

“§41-16-21.

“(a) Competitive bids shall not be required for utility services where no competition exists or where rates are fixed by law or ordinance, and the competitive bidding requirements of this article shall not apply to: the pur-

chase of insurance by the state; contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers, or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part; contracts of employment in the regular civil service of the state; tourist advertising by the State Bureau of Tourism and Travel authorized under Section 41-7-4 or advertising of the state parks by the Department of Conservation and Natural Resources; purchases of alcoholic beverages only by the Alcoholic Beverage Control Board; purchases for any hospital or campus medical facility which has a total licensed bed capacity of no less than 800 beds on May 29, 1985, operated by any state department, except the Department of Mental Health and Mental Retardation, board, bureau, commission, committee, institution, upon approval of the governing board of the institution, corporation, authority, or office; purchases by the Department of Transportation of local materials from any property owners in the vicinity of a project on which the local materials shall be used or purchases and contracts for repair of equipment used in the construction and maintenance of highways by the Department of Transportation; purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with Sections 21-2-1 through 21-2-4; purchases of maps or photographs purchased from any federal agency; purchases of manuscripts, maps, books, pamphlets, or periodicals purchased for the use of any state library or any other library in the state supported in whole or in part by state funds; contractual services and purchases of commodities for which there is only one vendor or supplier; contractual services and purchases of personal property, which by their very nature are impossible of award by competitive bidding; barter transactions by the Department of Corrections; and purchases, contracts, or repairs by the State Docks Department when it is deemed by the Director of State Docks and the Secretary-Treasurer of the State Docks Department that the purchases, contracts, or repairs are impractical of award by competitive bidding due to the exigencies of time or interference with the flow of commerce. The Director of State Docks and the Secretary-Treasurer of the State Docks Department shall place a sworn statement in writing in the permanent file or records setting out the emergency or exigency relied upon and the necessity for negotiation instead of proceeding by competitive bidding in that particular instance, and the sworn statement shall be open to public inspection. A copy of the sworn statement shall be furnished forthwith to the chief examiner of public accounts.

“(b) All educational and eleemosynary institutions governed by a board of trustees or other similar governing body and the State Docks Department shall be exempt from this article which relate to the powers, duties, authority, restrictions, and limitations conferred or imposed upon the Department of Finance, Division of Purchases and Stores. The educa-

tional and eleemosynary institutions, the State Docks Department, and the other state agencies exempted from this article shall let by free and open competitive bidding on sealed bids to the lowest responsible bidder all contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies, or other personal property involving ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or more. The institutions, departments, and agencies shall establish and maintain purchasing facilities as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each institution, department, or agency.

“(c) Contracts entered into in violation of this article shall be void.

“(d) Nothing in this section shall be construed as repealing Sections 9-2-106 and 9-2-107.

“§41-16-24.

“(a) The purchasing agent shall advertise for sealed bids on all purchases in excess of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) by posting notice thereof on a bulletin board maintained outside the office door or by publication of notice thereof, one time, in a newspaper published in Montgomery County, Alabama, or in any other manner, for such lengths of time as the purchasing agent may determine. The purchasing agent shall also solicit sealed bids by sending notice by mail to all Alabama persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for the particular items set forth in the request and the other persons, firms, or corporations the purchasing agent deems necessary to insure competition. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three solicitations, the listing may be cancelled by the purchasing agent.

“(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of the permanent file or records and shall be open to public inspection.

“(c) If the purchase or contract will involve an amount of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or less, the purchasing agent may make the purchases or contracts either upon the basis of sealed bids or in the open market.

“(d) No purchase or contract involving an amount in excess of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) shall be divided into parts involving amounts of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or less for the purpose of avoiding the requirements of this article. All such partial contracts involving ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or less shall be void.

“§41-16-50.

“(a) ~~All~~ With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all expenditure of funds of whatever nature for labor, services, work, or for the purchase of materials, equipment, supplies, or other personal property involving ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or more, and the lease of materials, equipment, supplies, or other personal property where the lessee is, or becomes legally and contractually, bound under the terms of the lease, to pay a total amount of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or more, made by or on behalf of any state trade school, state junior college, state college, or university under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions, the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards, and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder. In the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm, or corporation deemed to be a responsible bidder, having a place of business within the county or Standard Metropolitan Statistical Area (SMSA), where the county, a municipality, or an instrumentality thereof is the awarding authority, and the bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to the resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

“(b) The governing bodies of two or more contracting agencies, as enumerated in subsection (a) within the same county or adjoining counties, may provide, by joint agreement, for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property for use by their respective agencies. The agreement

shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property to be purchased, the manner of advertising for bids and the awarding of contracts, the method of payment by each participating contracting agency, and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and the agent shall have the responsibility to comply with this article. Purchases, contracts, or agreements made pursuant to a joint purchasing agreement shall be subject to all terms and conditions of this article.

“(c) All bidders shall furnish a bid bond on any contract ~~exceeding ten thousand dollars (\$10,000)~~; provided, that bonding is available for the services, equipment, or materials.

“§41-16-54.

“(a) All proposed purchases in excess of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) shall be advertised by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for any length of time as may be determined. Sealed bids shall also be solicited by sending notice by mail to all persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for the particular items that are set forth in the request. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three solicitations, the listing may be cancelled.

“(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained for a period of seven years from the date the bids are opened and shall be open to public inspection.

“(c) If the purchase or contract will involve an amount of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or less, the purchases or contracts may be made upon the basis of sealed bids or in the open market.

“(d) No purchase or contract involving an amount in excess of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) shall be divided into parts involving amounts of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or less for the purpose of avoiding the requirements of this article. All such partial contracts involving ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or less shall be void.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -27

Nays:

- 0

And said Bill, HB 187, as thus amended, was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -27

Nays:

- 0

## INTRODUCTION OF BILLS

Senator Smith requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was severally read one time, and referred to appropriate standing committee as follows:

By Senator Smith (With Notice and Proof):

**SB 715.** Relating to Etowah County; to provide further for the compensation for the board of equalization.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 715, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

Senator Barron requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Barron:

**SB 716.** To make an appropriation of \$400,000 from the State General Fund in the State Treasury to the City of Rainsville for damages caused by tornadoes for the fiscal year ending September 30, 1997.

Committee on Economic  
Expansion and Trade

Senator Steele requested and received unanimous consent to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Steele (With Notice and Proof):

**SB 717.** Relating to Perry County; providing for an additional expense allowance and salary for the Perry County Board of Education.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 717, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

## RESOLUTION

Senator Dixon requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 132.** CONGRATULATING THE MONTGOMERY ACADEMY FORENSICS TEAM ON ITS STATE CHAMPIONSHIP.

WHEREAS, it is with pride and pleasure that the Alabama Leg-

islature commends and praises the Montgomery Academy Forensics Team, of Montgomery, Alabama, for their outstanding performance and success at the Alabama Forensic Educators' Association State Tournament on March 22, 1997; and

WHEREAS, the team, formed by 15 students six years ago, and now comprised of over 140 students, has captured its third consecutive championship at this event; and

WHEREAS, the members of the Montgomery Academy Forensics Team, trained and prepared by a dedicated group of coaches and teachers, committed extensive time and energy into preparing and practicing for this prestigious competition; and

WHEREAS, the students on the team represented their school, their classmates, and their community admirably and with great prestige; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate the Montgomery Academy Forensics Team on its third consecutive championship at the Alabama Forensic Educators' Association State Tournament, and direct that a copy of this resolution be provided for appropriate presentation and display.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

### **FURTHER CONSIDERATION OF SB 359**

The Senate proceeded to further consideration of the Bill:

**SB 359.** To amend Section 12-13-20, Code of Alabama 1975, relating to the compensation for salaried judges of probate of the respective counties of the state, to provide further for the basis of the salaries, based on the population of the respective counties of the state, and the extra compensation for certain judges of probate who have additional responsibility in the county; and to specify that this bill shall not affect the compensation of judges of probate who receive a greater annual salary.

as amended, which said amendment is set out in the Journal of the Senate for the Thirteenth Legislative Day, and pending Dial amendment which said amendment is set out in the Journal of the Senate for the Fifteenth Legislative Day and having been postponed on the Fifteenth Legislative Day.



On motion of Senator Dial, said Dial amendment was laid on the table.

Senator Dial then offered the following substitute for the Bill, SB 359, as amended, to-wit:

**SUBSTITUTE FOR SB 359, AS AMENDED**

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 12-13-20, Code of Alabama 1975, relating to the compensation for salaried judges of probate of the respective counties of the state, to provide further for the basis of the salaries, based on the population of the respective counties of the state; and to specify that this bill shall not affect the compensation of judges of probate who receive a greater annual salary.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 27.** To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint

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Resolutions, your signature thereto is requested.

**HJR 223.** COMMENDING THE MARION COUNTY RED RAIDERS FOR EXTRAORDINARY ACHIEVEMENT.

Also:

**HJR 224.** COMMENDING THE OPTIMIST CLUB OF EAST MONTGOMERY.

Also:

**HJR 225.** HONORING DONALD ARTHUR DALE AND RUBY BOSARGE DALE ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

**HJR 227.** COMMENDING MAJOR GENERAL GEORGE BIBB PICKETT, JR.

Also:

**HJR 315.** CELEBRATING THE LIFE OF CLAUDINE JUDIN (DINE) BARCLAY OF BIRMINGHAM, ALABAMA.

Also:

**HJR 318.** COMMENDING FAYETTE COUNTY HIGH SCHOOL FOOTBALL TEAM ON THEIR 1996 4-A CHAMPIONSHIP SEASON.

Also:

**HJR 319.** COMMENDING THE CALERA HIGH SCHOOL BOYS' BASKETBALL TEAM.

Also:

**HJR 398.** CREATING THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ALABAMA FORESTRY COMMISSION, VOLUNTEER FIRE DEPARTMENTS, AND THE RURAL COMMUNITY FIRE PROTECTION INSTITUTE.

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**COMMUNICATION FROM THE  
SUPREME COURT OF ALABAMA**

OCTOBER TERM, 1996-97  
OPINION OF THE JUSTICES

No. 361

Members of the Senate  
Alabama State House  
Montgomery, Alabama

Dear Senators:

We have received Senate Resolution 112, which reads:

“BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, S. 585, a copy of which is attached to this resolution and made a part hereof by reference:

“(1) Is S. 585 a local bill or a general bill? If it is a local bill, is there a violation of Section 106 of the Constitution of Alabama of 1901, relating to advertising a proposed local bill, or a violation of Section 104(14) prohibiting the fixing of the punishment of a crime by a local law?

“(2) If S. 585 is deemed a general bill, do its provisions constitute an unlawful delegation of legislative responsibility in violation of Sections 43 and 44 of the Constitution of Alabama of 1901, regarding the separation of powers and legislative powers?

“RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, S. 585, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the

Justices of the Supreme Court forthwith upon adoption of this resolution.”

The copy of Senate Bill 585 forwarded with the resolution reads:

“A BILL  
“TO BE ENTITLED  
“AN ACT

“Authorizing the county commission of any county with a Class III municipality to prohibit, by ordinance, topless, bottomless, or nude dancing for monetary consideration and to prescribe penalties to enforce the ordinance.

“BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

“Section 1. The county commission of any county in which a Class III municipality is located may pass an ordinance prohibiting topless, bottomless, or nude dancing for monetary consideration within the boundaries of the county. The ordinance shall be enforced by the sheriff of the county.

“Section 2. A conviction for a violation of an ordinance passed pursuant to Section 1 of this act shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) and imprisonment in the county jail for not more than six months.

“Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.”

Senate Bill 585, if enacted, would authorize “[t]he county commission of any county in which a Class III municipality is located [to] pass an ordinance prohibiting topless, bottomless, or nude dancing for monetary consideration within the boundaries of the county.” Class 3 municipalities are those having populations of “not less than 100,000 and not more than 174,999 inhabitants,” “based on the population as certified by the 1970 federal decennial census.” Ala. Code 1975, § 11-40-12(a) (emphasis added). Only two cities in Alabama fall within this classification -- Huntsville and Montgomery. Alabama Municipal Databook 1993.<sup>1</sup> Therefore, Madison County and Montgomery County are the only two counties that would be affected if Senate Bill 585 were to be enacted.

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<sup>1</sup>Huntsville had a population in 1970 of 139,282. Montgomery had a population in 1970 of 133,386.

Amendment 397 to the Alabama Constitution, which amended § 110 of the Constitution,<sup>2</sup> provides as follows:

“A general law is a law which in its terms and effect applies either to the whole state, or to one or more municipalities of the state less than the whole in a class. A general law applicable to such a class of municipalities shall define the class on the basis of criteria reasonably related to the purpose of the law, provided that the legislature may also enact and change from time to time a general schedule of not more than eight classes of municipalities based on population according to any designated federal decennial census, and general laws for any purpose may thereafter be enacted for any such class. Any law heretofore enacted which complies with the provisions of this section shall be considered a general law.

“No general law which at the time of its enactment applies to only one municipality of the state shall be enacted, unless notice of the intention to apply therefor shall have been given and shown as provided in Section 106 of this Constitution for special, private or local laws; provided, that such notice shall not be deemed to constitute such law a local law.

“A special or private law is one which applies to an individual, association or corporation. A local law is a law which is not a general law or a special or private law.

“Act No. 79-263 (House Bill No. 68) entitled ‘An Act to establish eight classes of municipalities, by population, based on the 1970 Federal decennial census’ approved June 28, 1979, and each and every Act of the legislature thereafter enacted referred [sic] or relating to a class of municipalities as established in said Act No. 79-263 are hereby in all things ratified, approved, validated and confirmed as of the date of their enactment, any provision or provisions of the Constitution of Alabama, as amended, to the contrary notwithstanding.”

In Phalen v. Birmingham Racing Comm’n, 481 So.2d 1108, 1116 (Ala. 1985), this Court discussed the history underlying the amendment of § 110 and noted:

“The express language of Amendment 397 authorizes general laws

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<sup>2</sup>Section 110 provided:

“A general law within the meaning of this article is a law which applies to the whole state; a local law is a law which applies to any political subdivision or subdivisions of the state less than the whole; a special or private law within the meaning of this article is one which applies to an individual, associaton, association, or corporation.”

applicable to a class containing only one municipality; provided, of course, the bill is advertised pursuant to Article IV, Section 106, of the 1901 Alabama Constitution. Clearly, the amendment authorizes legislation not authorized under Section 110 as interpreted by Peddycoart v. City of Birmingham, 354 So.2d 808 (Ala. 1978)]. Moreover, Amendment 397 ratified any action of the legislature regarding the eight classes of municipalities established by Act No. 79-263. In effect, the amendment ratified all laws enacted pursuant to this Act as general acts, even though those laws may apply to only one municipality.

“Each appellant argues that a construction of Amendment 397 that permits the passage of general laws applicable to a class containing a single municipality would somehow destroy all distinctions between local and general laws and would permit the wholesale circumvention of Sections 104, 105, and 110 of the Constitution of Alabama. We are of the opinion that this argument is not sound in two respects. First, Amendment 397 does not purport to, and does not, abolish all distinctions between general and local laws. The restrictions applicable to local laws remain vital with respect to laws applicable to the various counties, laws applicable to designated individual municipalities, and laws applicable to other types of geographical regions or political subdivisions less than the entire state. Thus, after the enactment of Amendment 397, the distinction between general and local laws remains vital despite the existence of constitutional provisions which permit the Legislature to enact general laws applicable to a class containing only one municipality.”

(Emphasis added.)

As this Court noted in Phalen, “[t]he restrictions applicable to local laws remain vital [after Amendment 397] with respect to laws applicable to the various counties.” Senate Bill 585 would authorize a county commission to prohibit topless, bottomless, or nude dancing “within the boundaries of the county.” There are 67 counties in Alabama. Ala. Code 1975, § 11-1-1. As previously stated, Senate Bill 585 would apply to only Madison and Montgomery Counties. Therefore, Senate Bill 585 is local in nature. See Peddycoart v. City of Birmingham, 354 So.2d 808 (Ala.1978) (requiring adherence to the “clear meaning” of the constitutional definitions of “general law” and “local law.”)

Article IV, § 104, of the Constitution provides in pertinent part:

“The legislature shall not pass a ... local law in any of the following cases:

“ ... .

“(14) Fixing the punishment of crime.”

Although § 1 of Senate Bill 585 would confer on a county commission

authority to enact an ordinance prohibiting certain kinds of dancing, the punishment for the violation of such an ordinance would be set by § 2. This constitutes a clear violation of § 104(14) of the Constitution.

Because we have determined that Senate Bill 585 is a local bill and that, if enacted, it would be unconstitutional under § 104(14), we decline to answer whether there is “a violation of Section 106 of the Constitution ..., relating to advertising a proposed local bill,” and we need not answer your question (2).

**TWO QUESTIONS ANSWERED; OTHERS DECLINED.**

Respectfully submitted,

PERRY O. HOOPER, SR.,  
Chief Justice.

HUGH MADDOX,  
RENEAU P. ALMON,  
JANIE L. SHORES,  
J. GORMAN HOUSTON, JR.,  
MARK KENNEDY,  
RALPH D. COOK,  
TERRY L. BUTTS,  
HAROLD SEE,  
Associate Justices.

Which was read and ordered filed with the Secretary.

**FURTHER CONSIDERATION OF SB 359**

The Senate proceed to further consideration of the Bill, SB 359, as amended. The question was on the Dial substitute.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 116	SJR 121	SJR 124	SJR 128	SB 307	SB 525
SJR 117	SJR 122	SJR 125	SJR 129	SB 491	SB 639
SJR 119	SJR 123	SJR 127	SB 75		

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Delivered to the Governor on April 29, 1997, at 3:27 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 5:42 P.M., on motion of Senator Adams, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, SB 359, the Senate adjourned until Thursday, May 1, 1997, at 10 o'clock A.M.



## **TWENTY-SIXTH LEGISLATIVE DAY**

**THURSDAY, MAY 1, 1997**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Dr. John Ed Mathison, Minister, Frazer Memorial United Methodist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Brandi Sparks, Rogers High School, Florence, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

## **JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

## **LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senator Ghee for today.

## **UNANIMOUS CONSENT GRANTED**

Senator Mitchell requested and received unanimous consent to allow Standing Committees to report out of order for today.

## **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 273.** COMMENDING ROBERT E. PERKINS ON HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

GREG PAPPAS,  
Clerk.

## **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 270.** DECLARING AN EMERGENCY IN REGARD TO

FUNDING FROM THE EDUCATION TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1998.

GREG PAPPAS,  
Clerk.

### SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

**HB 277.** To provide for the establishment of the Alabama Higher Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to public institutions of higher education to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 277.** To provide for the establishment of the Alabama Higher Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to public institutions of higher education to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 132.** CONGRATULATING THE MONTGOMERY ACADEMY FORENSICS TEAM ON ITS STATE CHAMPIONSHIP.

GREG PAPPAS,  
Clerk.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the House amendment to the Bill:

**SB 438.** To amend Section 38-4-12, Code of Alabama 1975 to further provide for the distribution of the one mill ad valorem tax; to create the Alabama Veterans' Assistance Fund in the state treasury; and to appropriate the proceeds deposited into the Alabama Veterans' Assistance Fund.

And said Bill, SB 438, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, SB 438, together with the Report of the Committee on Conference, is herewith returned to the Senate.

GREG PAPPAS,  
Clerk.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

**SJR 132. CONGRATULATING THE MONTGOMERY ACADEMY FORENSICS TEAM ON ITS STATE CHAMPIONSHIP.**

PAT LINDSEY,  
Chairperson.

## SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

## POINT OF PERSONAL PRIVILEGE

Senator Dial requested that the following statement be spread upon the Journal, to-wit:

“Mr. President:

I stand here today frustrated and disappointed. I have followed your recent publicity event in which you said, ‘We will vote on Tort Reform. We are so close to a compromise I feel we will work it out.’ Sunday, in a major newspaper over this State, you again sounded a positive tone concerning Tort Reform.

Now I read today Siegelman Plans to Kill Bills that Cap Jury Awards. Mr. President, your words contradict you, and you alone must face the fact that you killed any opportunity for 35 senators, elected by the same people who elected you, to debate this issue in a public forum, not a back smoke-filled room. By not allowing the majority the opportunity to debate the issue, you have disenfranchised the majority of the people of Alabama. I do not believe the people want their rights subverted by anyone.

Mr. President, you cannot talk one day about resolving the tort

issue in this state, and on the next day say you will kill Tort Reform. The people need to know who killed Tort Reform. The President of the Senate, Lt. Gov. Don Siegelman, killed Tort Reform.”

Which was read and ordered filed with the Secretary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

**HB 98.** To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1998.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Reps. Fuller, Knight (J), and Curry.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

Senator Freeman moved that the Senate accede to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 98, the title of which is set out in the foregoing Message from the House.

Senator Poole moved that said motion to accede to the House request for a Committee on Conference be postponed until the Twenty-Seventh Legislative Day.

On motion of Senator Freeman, said motion to postpone was laid on the table.

Yeas 22 Nays 11

Yeas:

Senators:

Amari, Bailey, Bedford, Biddle, Butler, Davidson, Denton, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Little, McClain, Mitchell,

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Mitchem, Roberts, Sanders, Smith, Smitherman, and Steele -22

Nays:

Senators:

Adams, Armistead, Clay, Dial, Dixon, Hill, Lipscomb, Myers, Poole, Waggoner, and Windom -11

The question recurred on the motion of Senator Freeman that the Senate accede to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 98, which motion was adopted.

Yeas 30 Nays 2

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -30

Nays:

Senators:

Adams and Poole - 2

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Freeman, Biddle, and Mitchell.

Senator Freeman moved that the Senate reconsider the vote by which the Senate acceded to the House request for a Conference Committee on the Bill, HB 98, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 54.** To provide a system for the purchase of service credit in the Employees' Retirement System of Alabama by public officials where such purchase has been authorized by local constitutional amendment.

GREG PAPPAS,  
Clerk.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 54.** To provide a system for the purchase of service credit in the Employees' Retirement System of Alabama by public officials where such purchase has been authorized by local constitutional amendment.

PAT LINDSEY,  
Chairperson.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 438.** To amend Section 38-4-12, Code of Alabama 1975 to further provide for the distribution of the one mill ad valorem tax; to create the Alabama Veterans' Assistance Fund in the state treasury; and to appropriate the proceeds deposited into the Alabama Veterans' Assistance Fund.

PAT LINDSEY,  
Chairperson.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds



vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

**HB 119.** To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Reps. Fuller, Kennedy, and Curry.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

Senator Sanders moved that the Senate accede to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 119, the title of which is set out in the foregoing Message from the House.

### RECESS

At 11:50 A.M., Senator Myers moved that the Senate take a recess until 1:30 P.M., pursuant to the Resolution, SJR 129, which motion was adopted.

The recess period having expired, at 1:30 P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gipson:

**HJR 433.** COMMENDING CHARLIE JONES ON HIS MANY ACCOMPLISHMENTS AND OUTSTANDING PERFORMANCE AS FFA DISTRICT OFFICER TRAINING COORDINATOR FOR 1996.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 433, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### FURTHER CONSIDERATION OF HB 119

The Senate proceeded to further consideration of the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 119. The question was on the motion of Senator Sanders that the Senate accede to the request of the House for a Committee on Conference, which motion was adopted.

Yeas 27 Nays 2

Yeas:

Senators:

Amari, Armistead, Bailey, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner

-27

Nays:

Senators:

Adams and Poole

- 2

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Sanders, Bailey, and Amari.

Senator Amari moved that the Senate reconsider the vote by which the Senate acceded to the House request for conference on the Bill, HB 119, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 433.** COMMENDING CHARLIE JONES ON HIS MANY ACCOMPLISHMENTS AND OUTSTANDING PERFORMANCE AS FFA DISTRICT OFFICER TRAINING COORDINATOR FOR 1996.

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Burke:

**HB 1072.** To make an appropriation of \$400,000 from the State General Fund in the State Treasury to the City of Rainsville for damages caused by tornadoes for the fiscal year ending September 30, 1997.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1072 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hall (A) (With Notice and Proof):

**HB 1003.** Relating to railroad crossings located on private property in Madison County, to require a railroad company to indefinitely maintain any railroad crossing on private property if the crossing has existed for 20 years or more, unless the landowner and railroad company agree in writing otherwise; and to provide civil remedies for land owners if a railroad company fails to maintain such crossings.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1003, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1003 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham (With Notice and Proof):

**HB 1077.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Auburn in Lee County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 1077, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Turnham (With Notice and Proof):

**HB 1078.** To exempt the Lee County Cattlemen's Association Rodeo from collecting and remitting county, and municipal sales taxes levied upon admission to the Lee County Cattlemen's Association Rodeo.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1078, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1077 and 1078 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Thomas (J) (With Notice and Proof):

**HB 1045.** Relating to Lowndes County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and providing for a termination date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 1045, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. McMillan, Warren, and Penry (With Notice and Proof):

**HB 1057.** Relating to Baldwin County; amending Sections 2 and 3 of Act No. 85-684, H. 1056, (Acts 1985, p. 1097), relating to court charges and the Baldwin County Law Library and Judicial Administration Fund, to make the \$1.50 court costs applicable in civil and quasi civil actions, equity, criminal, quasi criminal, proceedings on forfeited bail or forfeited bond in the circuit court of Baldwin County under certain conditions applicable in the Juvenile Court and in civil actions filed in the District Court of Baldwin County; and providing that this act shall be construed together with other laws relating to court costs in Baldwin County, and ratifying collections retroactively to January 1, 1977.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1057, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1045 and 1057 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills

and ordered same sent forthwith to the Senate without engrossment:

By Rep. Layson (With Notice and Proof):

**HB 1055.** Relating to Pickens County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1055, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Layson (With Notice and Proof):

**HB 1056.** Relating to Pickens County; providing for costs to be imposed on each person incarcerated in the Pickens County jail; and providing for distribution of the revenues to be derived from the additional court costs.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1056, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. McMillan, Penry, and Warren (With Notice and Proof):

**HB 1058.** Relating to Baldwin County; to allow the Baldwin County Commission to appropriate funds for lunches for state and county inmates who are performing labor in the county; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1058, AS REQUIRED IN THE GEN-

ERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### **HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1055, 1056, and 1058 - to the Committee on Local Legislation No. 1

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (With Notice and Proof):

**HB 1044.** To alter and rearrange the boundary lines and corporate limits of the municipality of Citronelle in Mobile County to remove certain property from the corporate limits of the municipality.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1044, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1044 - to the Committee on Local Legislation No. 3



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Reed (With Notice and Proof):

**HB 875.** Relating to Macon County; to provide for the levy of a severance fee on clay, sand, or gravel, mined within the county; to provide for permit fees; and to provide for the disposition of the proceeds from the fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 875, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 875 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Turner and Dean:

**HB 1038.** To propose an amendment to the Constitution of Alabama of 1901 to provide that elected public officials may not assume a supernumerary office after the effective date of this amendment and to pro-

vide that certain elected public officials in Mobile County may participate in the Employee's Retirement System.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 1038** - to the Committee on Local Legislation No. 3

(The above Bill was read a first time at length as required by the Constitution.)

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Petelos (With Notice and Proof):

**HB 911.** Relating to Jefferson County; authorizing the City Council of the City of Pleasant Grove to levy an additional ad valorem tax and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 911, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Murphree (With Notice and Proof):

**HB 993.** Relating to Blount County; to amend Sections 5, 7, 13, and 17 of Act 93-712, H. 969, 1993 Regular Session, relating to the formation of fire and emergency medical services districts, to further provide for the annual payment of dues; to further provide for the annexation of an

unincorporated area with 50 or more residences, businesses, and churches into a district; to further provide for a municipality contracting for fire and emergency medical services; to provide for the contracting for services by entities outside Blount County; and to further provide for the funding of municipalities' fire and emergency medical services.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 993, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Murphree (With Notice and Proof):

**HB 1029.** Relating to Blount County; to provide that the county commissioners may authorize the use of county personnel and county equipment to perform certain services when compensated for the services.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1029, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Hayden (With Notice and Proof):

**HB 1050.** Relating to Hale County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1050, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**26th Day - May 1, 1997**

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 911 - to the Committee on Local Legislation No. 2

HB's 993, 1029, and 1050 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed (With Notice and Proof):

**HB 913.** Relating to Bullock County, increasing the pistol permit fee that the sheriff is required to charge, providing for the distribution of these funds, and repealing Act No. 85-897, H. 149, 1985 Second Special Session.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 913, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Starkey and Hamilton (With Notice and Proof):

**HB 1049.** Relating to Lauderdale County; amending Act 86-411, 1986 Regular Session, as amended, relating to the county lodging tax, to increase the amount of the tax.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1049, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 913 and 1049 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. McMillan, Clark (J), Hammett, Fuller, McDaniel, Hamilton, Collins, Carter, Penry, Mitchell, Jackson, Vance, Turnham, Clouse, Johnson (R), Millican, Wren, Letson, Petelos, and Haney:

**HB 1032.** To provide for the organization of a public corporation in the state to be known as Alabama State Park System Improvement Corporation; to provide for certain definitions; to designate the officers and members of the board of directors of the corporation; to prescribe the powers of the corporation, including the power to provide for the acquisition, provision, construction, improvement, renovation, equipping, and maintenance of state parks and park facilities; to implement the provisions of an amendment to the Constitution of Alabama of 1901, authorizing the state to become indebted and to sell and issue not in excess of \$80,000,000 in principal amount of general obligation bonds of the state for the purpose of providing for the acquisition, provision, construction, improvement, renovation, equipping, and maintenance of the state parks and park facilities of the state; to authorize the corporation to sell and issue for the state said bonds and refunding bonds therefor contingent upon the ratification by the qualified electors of the state of said constitutional amendment authorizing such issue; to provide that the said corporation shall specify the form and details of said bonds; to provide for the issuance of said bonds in series; to provide for the sale of said bonds; to provide for the temporary investment of the proceeds of said bonds; to provide for the payment of the expenses of issuance of said bonds; to provide for the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to said amendment and this act; to provide for the use of proceeds derived therefrom; and to provide for an effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1032 - to the Committee on Fiscal Responsibility and Accountability

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. McMillan, Turner, Clark (J), McDaniel, Hawk, Minnifield, Jackson, Vance, Collins, Layson, Hamilton, Starkey, Turnham, Clouse, Johnson (R), Millican, Wren, Letson, Townsend, Morton, Haney, and Hammett:

**HB 1031.** To amend Sections 40-23-35 and 40-23-36, Code of Alabama 1975, to limit the amount of sales tax discount that may be allowed to \$900 per month per license holder, to provide further for the distribution and expenditure of the additional revenue generated by the cap on the salestax discount, and to authorize the payment into the State General Fund, to the extent necessary, an amount equal to the principal, interest, and premium (if any) on bonds issued by the Alabama State Parks System Improvement Corporation.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1031 - to the Committee on Fiscal Responsibility and Accountability

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Melton (With Notice and Proof):

**HB 922.** Relating to the City of Tuscaloosa; providing for a referendum election on the question of the election of the city board of education by the qualified electors of the city; upon approval at the referendum election, providing for the election and operation of the board of education for the City of Tuscaloosa; providing that certain members of the board shall be elected from defined districts; providing for the election of the chair from the city at-large; providing for the operation of the board; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing certain transitional provisions; and providing for a conditional effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 922, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 922 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Fuller and Laird (With Notice and Proof):

**HB 628.** Relating to Chambers County; to provide the collec-

tion and disposition of a special recording fee in the office of the judge of probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 628, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 628 - to the Committee on Local Legislation No. 1

### RESOLUTIONS

Senator Figures requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 133. COMMENDING THE PAUL LAWRENCE DUNBAR MAGNET SCHOOL BAND.**

WHEREAS, the Alabama Legislature notes with high commendation the outstanding achievement of the Paul Lawrence Dunbar Magnet School Band, of Mobile, Alabama, at the Alabama State Band Festival in Birmingham, Alabama, on April 15, 1997, where the band, under the accomplished musical talents and leadership of Director Louis Coaxum and Assistant Director of Band, Kerrie Mills, captured the prestigious "Superior Rating" for their musical performance; and

WHEREAS, it is further noted that the Paul Lawrence Dunbar Magnet School Band is the first middle school band in Mobile to appear in state competition and receive a "Superior Rating," the highest rating possible from the Alabama Bandmasters Association; and

WHEREAS, the outstanding band performance is a result of the



musical skills and talents of dedicated band students, the band director, and assistant band director, and brings honor to the magnet school, the student body, the City of Mobile, and to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do extend our heartiest congratulations and most highly commend the Paul Lawrence Dunbar Magnet School Band, its director, Louis Coaxum and assistant band director, Kerrie Mills for outstanding accomplishment at the Alabama State Band Festival in Birmingham, Alabama.

RESOLVED FURTHER, That Director Coaxum and Assistant Director Mills each receive a copy of this resolution, on behalf of the entire band, and that a copy also be provided for appropriate school display.

On motion of Senator Figures, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Figures then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 134. COMMENDING THE BEN C. RAIN HIGH SCHOOL VARSITY BOYS' BASKETBALL TEAM ON WINNING THE STATE 5A BASKETBALL CHAMPIONSHIP.**

WHEREAS, the Ben C. Rain High School varsity boys' basketball team captured the Alabama State 5A Basketball Championship in Birmingham, Alabama, on March 1, 1997, by defeating Sparkman High School 60 to 51; and

WHEREAS, this basketball team is only the fourth boys' team from Mobile since 1921 to garner a state title, a significant testament to the coaching talents and leadership abilities of Head Coach Rick Pietri and Assistant Coach Lamar Johnson; and

WHEREAS, this strong ball club has traveled to the State Tourney four straight years and appeared in the championship game on three of these occasions, a remarkable run no other state boys' basketball team, irrespective of classification, may tout; moreover, this club has amassed a record of 103 wins and only 30 loses over this four-year span, noble numbers which appropriately attest to the team's dedicated and diligent work ethic; and

WHEREAS, the 1997 state 5A champions are Kendrick Cleveland, Kevin Crosby, Eddie Vanshan Freeman, Nick Garmon, Marcus Lucas,

Thomas Reed, Jr., Ray Rigsby, Nate McQuirter, Brandon Reed, Trey Toodle, and Derrick Williams, a group of young men who warrant our admiration and appreciation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does heartily commend the Ben C. Rain High School varsity boys' basketball team, the State 5A Basketball Champions, and we further direct that copies of this resolution be forwarded to the team and school for appropriate presentation and display.

On motion of Senator Figures, the Rules were suspended and the Resolution was adopted by the Senate.

### INTRODUCTION OF BILLS

Senator Amari requested and received permission to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senators Hill, Hale, Dixon, Davidson, and Amari:

**SB 718.** To amend the Alabama Rules of Judicial Administration to provide for the exercise of peremptory challenges of judges by parties to civil or criminal action pending in circuit court, to provide for the manner of exercising peremptory challenges, to provide that parties exercising peremptory challenges in civil actions must pay a fee of \$100 which will be deposited in the State General Fund, to provide a procedure for reassigning actions after a party has exercised a peremptory challenge, to fix the time within which peremptory challenges must be exercised, to prohibit actions intended to influence the identity of the judge to whom the action will be reassigned, and to provide for the construction of this act to sustain its constitutionality.

Committee on Business and Labor

Senator Langford requested and received permission to suspend the Rules in order to introduce the following bill, and it was read one time, and referred to appropriate standing committee as follows:

By Senator Langford (By Request) (With Notice and Proof):

**SB 719.** Relating to the City of Anniston, Calhoun County, to amend further Section 5 of Act 79-157, 1979 Regular Session (Acts 1979, p. 256), as last amended by Act 93-552, 1993 Regular Session (Acts 1993,

p. 907), to provide for the employment of investment counselors and agents to invest and manage portions of the policemen's and firemen's retirement fund.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 719, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

### RECESS

At 8:12 P.M., Senator Amari moved that the Senate take a recess until 9:30 P.M., which motion was adopted.

The recess period having expired, at 9:30 P.M., the Senate was called to order by President Pro Tempore Freeman. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Layson (With Notice and Proof):

**HB 1079.** Relating to Tuscaloosa County, Alabama: to amend and reenact Act 86-656, 1986 First Special Session (Acts 1986, p. 39), as amended, establishing a fire district, pursuant to Amendment No. 358 to the Constitution of Alabama of 1901, for the purpose of preventing fires or for fire protection and certain other public service in Tuscaloosa County; providing for the manner such district may be created for any area; providing for the petition for any proposed district and the election thereon; providing that the expense of the conducting such election shall be paid by the county except that if the district is created the district shall reimburse the county; providing that after a district has been established the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district; providing that no district shall be created unless the creation thereof has been approved by the majority of votes cast at an election; providing that if the creation of the proposed dis-

trict is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; providing for the enlargement and contraction of the district; providing for the management and operation of each district; providing for the election of a fire district board, except the initial board made up of the existing board of the directors of each volunteer fire department, each being a public corporation; providing for the terms of office of the members of the board; providing for the officers compensation, expense allowance and duties of the members of the board; defining the rights, power, and authority of the district; authorizing any such district to pledge all or any parts of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; authorizing any such district to levy and collect service charges or fees subject to certain limitations; providing that such services charges or fees shall not be levied unless the same is first approved by a majority of the votes cast by the qualified electors residing within the district; providing for the dissolution of any such district; providing that the provisions of this act are severable; repealing all laws, or parts of laws, in the conflict with the act; and providing for the effective date of the act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1079, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1079 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (T) (With Notice and Proof):

**HB 739.** To establish procedures for Class 4 municipalities or-

ganized under Chapter 44B of Title 11 of the Code of Alabama 1975, to delete nonurban territory from its police jurisdiction or planning jurisdiction; to provide for public hearings to consider the issue; to provide for public notice and advertisement of the public hearings; to require notice to the county commission and authorizing the county commission to approve or disapprove of the same; to provide for the adoption of an ordinance deleting certain territory from the respective police jurisdiction or planning jurisdiction of the municipality subject to the limitation that the ordinance shall not take effect for a period of 90 days from the date of its adoption and that no territory may be deleted which has been designated as an "urban area" according to the preceding Federal Decennial Census; to provide that in the areas deleted from the police jurisdiction, the municipality shall cease collecting license taxes and sales taxes and use taxes pursuant to Sections 11-51-91 and 11-51-206 of the Code of Alabama 1975, and that any licenses collected shall be prorated; to provide that the municipality shall also terminate services within the territory deleted from the municipality and that the termination on the levy and collection of license taxes, sales taxes and use taxes, or services shall not subject the municipality to liability or damages arising out of or associated with the decision nor shall the action or statutes be construed to obligate or compel the municipality to continue to provide the services; to provide that the deletion of territory will not affect certain mutual aide agreements, emergency rescue agreements, or joint law enforcement activities; to provide that certain other sources of revenue within the territory are preserved to the extent that they have been implemented by other legislative enactments or amendments thereto; to provide that any municipality deleting territory from its planning jurisdiction shall not, after the effective date of the ordinance, exercise planning commission control in any area located in the territory; to provide that municipalities which elect to delete certain territory from its respective police jurisdiction or planning jurisdiction are not limited to or restricted in providing water, sewer, or solid waste services within the territory; to provide that nothing in the act shall prohibit the municipality from subsequently annexing any territory deleted, but that any subsequent annexations shall not re-extend the municipality's respective police jurisdiction or planning jurisdiction over territories which have been deleted therefrom pursuant to this act; and to provide that the municipality shall delete code enforcement services from the territories.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 739, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 739 - to the Committee on Local Legislation No. 1

## RESOLUTIONS

Senator Little requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 135.** MOURNING THE DEATH OF J.C. MOORE OF OPELIKA, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the recent death of Mr. J.C. Moore of Opelika, Alabama, on March 11, 1997; and

WHEREAS, a devoted Christian of deep and abiding faith, Mr. Moore contributed generously to the St. Luke A.M.E. Church where he served on the Trustee Board, Senior Choir, Men of Unity, and the Sunday School Department; and

WHEREAS, he was widely known and admired through his involvement in leadership and service with numerous civic, cultural, and educational activities; he was also a very caring person whose concern for his family, friends, and the community was reflected daily through his many endeavors on their behalf; and

WHEREAS, a native of Federal Point, Florida, he received his Bachelor's and Master's Degrees in Agriculture from Tuskegee Institute; for many years, he served as county agent for the Alabama Extension Service, Science Coordinator at Tuskegee Institute, and at the Urban Rehabilitation Office for the City of Opelika; and

WHEREAS, a volunteer for the Department of Human Resources and for Habitat for Humanity; among his numerous affiliations, he served as a member of the Golden Rule Masonic Lodge #11 and the VFW Post #5732; J.C. Moore was indeed a kind, loving, and compassionate person whose lamentable death has left an unfathomable void in the hearts of all those whose lives he touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

That we grievously mourn the death of Mr. J.C. Moore, and extend our very deepest sympathy to his wife, Revia Moore, daughters, Cynthia Moore and Carol Conner, son, Captain Dale Moore, and other family members, for whom a copy of this resolution shall be provided, so that they may know that we sincerely share their great and grievous loss.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 136. MOURNING THE DEATH OF JUDGE NOEL BAKER OF OPELIKA, ALABAMA.**

WHEREAS, it is with profound sorrow that the Alabama Legislature records the death of former district Judge Noel Baker on February 8, 1997, at the age of 80 years; and

WHEREAS, serving the cities of Auburn and Opelika during the 1970s, Judge Baker received his Bachelor of Science Degree from the University of Oregon and earned a Doctorate of Jurisprudence from the University of Alabama; and

WHEREAS, he served his country with honor and patriotism during World War II as a member of the 123rd Seabees, and was an active and faithful Elder Emeritus of Trinity Presbyterian Church in Opelika; and

WHEREAS, receiving his law degree in 1949, Judge Baker was appointed clerk of the Alabama Middle District Court and served as an assistant attorney general for the State of Alabama from 1955-58; and

WHEREAS, he also was admitted as attorney and counselor to the Fifth Circuit United States Court of Appeals in 1956, and, from 1980-88, served for eight years as a judge and board member of the Lee County Juvenile Court; he continued to preside over legal cases in Russell County after his retirement; and

WHEREAS, Judge Baker, whose leadership and accomplishments were widely acknowledged, was president of the Genealogical Society of East Alabama and former president of the Lee County Historical Society; and

WHEREAS, left to cherish his memory are his loving wife, Elizabeth Sahag Baker; sister, Edith Lorine Vaughan; three brothers and sisters-

in-law, Carlton and Nellie Faye, Seth L. and Jean, and Albert L. and Mena Baker; also, sister-in-law, Lois Baker of Auburn, Alabama; and several nieces and nephews; and

WHEREAS, Judge Baker's character, integrity, and devotion to duty were an example to all who knew him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Judge Noel Baker and, by copy of this resolution, extend our most heartfelt sympathy to his beloved wife, Elizabeth Sahag Baker, with our sincere condolence.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little and Dial requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 137. MOURNING THE DEATH OF GORDON CREWS BOND OF AUBURN, ALABAMA.**

WHEREAS, the Legislature of Alabama grievously records the untimely death of Gordon Crews Bond of Auburn, Alabama, on April 17, 1997; and

WHEREAS, born on November 17, 1939, in Fort Myers, Florida, Dr. Bond received a B.S. degree in 1962 from Florida State University, an M.A. degree from Florida State University in 1963, and a Ph.D. from Florida State University in 1966; in 1967, he came to Auburn University as an assistant professor, and except for teaching one year at the University of Southern Mississippi and a one-quarter appointment as visiting professor at the University of Utah, he spent his entire 31-year academic career at Auburn; he was named dean of the College of Liberal Arts in 1992; and

WHEREAS, since 1995, Dr. Bond was a Fellow in The International Napoleonic Society, he was awarded The Legion of Merit from the society; he also served on the board of directors for the Institute of Napoleonic Studies at FSU, the board of directors of the Consortium on Revolutionary Europe, and was recently named a Paul Harris Fellow by the Auburn Rotary Club; and

WHEREAS, Dean Bond was indeed a kind, loving, and compassionate person whose lamentable death has left an unfathomable void in the



hearts of all those whose lives he touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Gordon Crews Bond, and extend our very deepest sympathy to his wife, Stephanie, his daughter, Annie, and son and daughter-in-law, Michael and Angie, and other family members, for whom a copy of this resolution shall be provided, so that they may know that we sincerely share their great and grievous loss.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 138. MOURNING THE DEATH OF BOADMAN NETTLES IVEY OF CAMDEN, ALABAMA.**

WHEREAS, recorded with immense sorrow is the death of Boadman Nettles Ivey of Camden, Alabama, on March 19, 1997, at the age of 83 years; and

WHEREAS, a highly respected patriot, community leader, and distinguished Alabamian, Nettles Ivey's service, integrity, and leadership earned for him the respect and admiration of countless individuals whose lives he touched through genuine care and concern; and

WHEREAS, Mr. Ivey graduated from Auburn University in 1936, and remained an ardent supporter of the University all of his life; and

WHEREAS, Mr. Ivey fought valiantly for freedom in Europe during World War II and continued to serve his country in the Alabama National Guard, retiring at the rank of Major; and

WHEREAS, Mr. Ivey was a distinguished businessman, serving as the Assistant State Director of the Farmers Home Administration, where his leadership resulted in the installation of water systems throughout the state; and

WHEREAS, being a strong advocate of community and church service and giving generously of his time, resources, leadership, and support, Mr. Ivey volunteered with the American Heart Association, earning recognition as the association's top volunteer; served as a member of the

Wilcox Concerned Voter League and a trustee of Snow Hill Institute; and was a deacon at the Camden Baptist Church; and

WHEREAS, the death of Nettles Ivey has indeed left an unfathomable void in the life of the community and in the hearts of his beloved family and all who were privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express deepest regret in the death of Boadman Nettles Ivey, and extend our most heartfelt sympathy to his devoted wife, Barbara Nettles Ivey, to whom a copy of this resolution shall be provided with our sincere condolence; to his daughter, Kay Ellen Ivey; and other family members and friends, whose sorrow we share.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 139.** COMMENDING JUDE PETERSON FOR HER OUTSTANDING SERVICE AS THE EXECUTIVE DIRECTOR OF THE UNITED WAY OF LEE COUNTY, ALABAMA.

WHEREAS, highest commendation is hereby accorded Jude Peterson as the outgoing Executive Director of the United Way of Lee County, Alabama; and

WHEREAS, the United Way of Lee County, whose mission is to increase the organizational capacity of people to care for one another, has been blessed with Ms. Peterson's guidance, leadership, and support over the last two decades; and

WHEREAS, Ms. Peterson, one of Lee County's most dedicated leaders, has given unselfishly of her time and energy to advance the goals of the United Way and to enrich the lives of those the United Way seeks to serve; and

WHEREAS, Jude Peterson's service to her community has earned for her the respect and admiration of countless individuals whose lives she touched through genuine care and concern; and

WHEREAS, the citizens of Lee County will sorely miss Ms. Peterson but extend to her and her family their grateful appreciation and the

very best of luck in their new endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to twenty years of outstanding service as Executive Director of the United Way of Lee County, Alabama, we hereby commend Jude Peterson for her exemplary leadership and dedication, and direct that she receive a copy of this resolution with our sincere best wishes for continued happiness and success.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Mitchell, Lindsey, Windom, Poole, Ghee, Hale, and Langford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 140. HONORING DEAN MARTIN LEIGH HARRISON.**

WHEREAS, in tribute to outstanding achievement and service, and on the occasion of his 90th birthday, April 4, 1997, it seems both appropriate and fitting that the Legislature of Alabama recognize Dean Martin Leigh Harrison, one of our state's most outstanding educators and dean of the University of Alabama School of Law from 1950 to 1966; and

WHEREAS, born in Opelika, Alabama, on April 4, 1907, the son of Eva Trawick Harrison and William Robert Harrison, the second Montgomery City/County Superintendent of Education; and the grandson of one of Lauderdale County's earliest settlers, Dean Harrison's family roots ran deep in the annals of Alabama history and in the field of education; and

WHEREAS, Dean Harrison earned his law degree from the University of Alabama School of Law, an LL.M. from Harvard, and was awarded an honorary LL.D. degree by the University of Alabama Board of Trustees upon his retirement in 1977; and

WHEREAS, following his graduation from the University in 1929, Dean Harrison entered private practice and, for the next several years, demonstrated special adeptness and proficiency in the study of law, in the preparation of briefs, and in his ability to analyze a legal problem; however, following an inner urging to teach law, Dean Harrison began a law-teaching career at Southern Methodist University, and joined the faculty at the University of Alabama in 1938; and

WHEREAS, over the ensuing 39 years of his long and distinguished

career on the faculty of the University of Alabama School of Law from 1938 to 1977, and as Dean of the School of Law for 16 years from 1950 to 1966, Dean Harrison would have significant impact on the progress and development of the law school and on the lives of countless young people who would come to share his love for the law; and

WHEREAS, also, among many scholarly works during his tenure, he would produce such notable offerings as "Cases on Alabama and Common Law Pleading," "Alabama Cases on Equity Pleading," and "Alabama Pleading Before 1973," considered the major definitive treatises of the time on these subjects, as well as numerous journal articles; he also served as reporter for a number of law revision committees for the State of Alabama, the most important of which was the Alabama Constitutional Revision Commission, of which he served as reporter and research director; and

WHEREAS, among the numerous accomplishments over his successful administration, of particular importance was the organization of the University of Alabama Law School Alumni Association, and his influence and impact in the creation of the University of Alabama Law School Foundation and the Farrah Law Society; and

WHEREAS, following his deanship, Dean Harrison was appointed to the Herbert D. Warner Professorship, which he filled until his retirement in 1977, and served an additional four years without compensation following retirement out of his love for teaching and loyalty to the School of Law; and

WHEREAS, in 1996, as an expression of appreciation and tribute, and as his 90th birthday was approaching, a fund was established at the University to solicit gifts in honor of Dean Harrison; and

WHEREAS, Dean Harrison and his devoted and supportive wife for nearly 60 years, the late Barbara Harrison, were the loving parents of a daughter, Barbara Ann Smith; and a son, W. Robert Harrison; and the proud grandparents of five grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service to the University of Alabama School of Law and to higher education, we hereby express our gratitude to Dean Martin Leigh Harrison, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dial and Little requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 141. DESIGNATING THE MARIAN P. HOOTON CHEAHA MENTAL HEALTH DAY CARE CENTER IN LINEVILLE, CLAY COUNTY, ALABAMA.**

WHEREAS, over her lifetime, the late Marian Pilcher Hooton contributed significantly in personal generosity in a broad spectrum of worthy causes and efforts to the good and well-being of the Lineville-Clay County community and, most particularly, to the benefit of the Cheaha Mental Health Association, of which she was an active member from its inception; and

WHEREAS, she also was instrumental in organizing the Progressive Study Club in Lineville, and an active member of the First United Methodist Church of Lineville; and

WHEREAS, a native of Dothan, Alabama, and a graduate of the University of Montevallo, Mrs. Hooton lived most of her life in Clay County and was a partner in the Hooton Lumber Company for many years; and

WHEREAS, she was married to the late Madison Hilton Hooton and the mother of one son, Matt Hooton, Jr., and one daughter, Marian Ellen Hooton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute and recognition of her many contributions and service to the Lineville-Clay County community, and, most especially, in the cause of mental health, we hereby direct that the mental health facility in Lineville be named and designated the Marian P. Hooton Cheaha Mental Health Day Care Center, and that the proper officials be authorized to erect and maintain appropriate signs and markings so designating said facility.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dial, Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 142. COMMENDING COACH RUDY ABBOTT ON HIS OUTSTANDING ATHLETIC ACHIEVEMENTS.**

WHEREAS, the exploits of Rudy Abbott, Head Coach at Jacksonville State University (JSU), are a source of great joy and pride to the people of the State of Alabama, and it is appropriate to honor and commend him on his outstanding athletic achievements; and

WHEREAS, Coach Abbott's enthusiasm and love for baseball have set him apart as one of those special coaches who will be renowned and admired as long as the game is played; and

WHEREAS, a Wellborn College graduate, he has coached more than 1,241 games at JSU, and won over 900 games; he also is the winningest collegiate coach in the state's history, and indeed personifies that positive ability to persevere and win; and

WHEREAS, coaching 24 All-Americans, Coach Abbott led JSU to back-to-back Division II national championships, and won five Gulf South Conference crowns and 11 division titles; and

WHEREAS, the people of Alabama are proud to recognize athletes the caliber of Coach Rudy Abbott, who possess the skill and determination to succeed in their efforts, and who display a keen sense of sportsmanship and competitive spirit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby acknowledge and applaud the many athletic achievements of Coach Abbott and, by copy of this resolution, convey to him the gratitude of the public and best wishes for continued success.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Dial, Clay, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 143.** COMMENDING AUBURN UNIVERSITY SWIMMING AND DIVING COACH DAVID MARSH AS 1997 NCAA NATIONAL COACH OF THE YEAR.

WHEREAS, on March 29, 1997, at the University of Minnesota

Aquatic Center in Minneapolis, under the brilliant leadership of Auburn University head swim and diving coach, David Marsh, the Auburn Tigers men's swim team captured the NCAA National Championship to claim the school's first-ever undisputed team national championship; and

WHEREAS, since first taking the helm as head coach at Auburn some seven years ago, the Auburn swimming program has reached new and unprecedented heights of achievement; during his successful tenure, Auburn has won three of the last four SEC championships and, at the NCAAs, from not placing in previous years, has successively progressed to finishing 20th to 15th, sixth, fourth, third, second, to an unprecedented first in the nation—a remarkable achievement; and

WHEREAS, internationally respected in his field, 37-year-old David Marsh graduated from Auburn in 1981, following a stellar career at the University during which he was the 1980 Southeastern Conference Champion in 100-yard backstroke, and was selected an NCAA All-American five times; he also was honored as the 1994 Men's National Coach of the Year and 1996 Assistant Olympic Coach; and

WHEREAS, David began his professional career at Auburn as an assistant and left in 1985 for only a few years for a series of club coaching jobs before returning to his alma mater as head coach in 1991; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding achievement, we hereby most highly commend Auburn University's David Marsh, 1997 NCAA National Coach of the Year, and direct that he receive a copy of this resolution as a measure of our sincere pride and esteem.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Dial, Clay, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 144. COMMENDING THE AUBURN UNIVERSITY MEN'S SWIM TEAM AS THE 1997 NCAA NATIONAL CHAMPIONS.**

WHEREAS, on March 29, 1997, at the University of Minnesota Aquatic Center in Minneapolis, in a spectacular display of talent, the Auburn University Men's Swim Team captured the 1997 NCAA National Championship, the first outright NCAA Championship victory in the history of Auburn athletics; and

WHEREAS, expertly directed by head coach, and recently selected National Coach of the Year, David Marsh, the Tigers won four of the event's five relays, and amassed an impressive 496.5 points, outscoring their closest competitor, runner-up Stanford, by 156.5 points to claim the coveted title; and

WHEREAS, this outstanding group of young athletes, each of whom is to be praised for his contributions to a phenomenal team effort are Romain Barnier, Michael Bartz, Matt Busbee, Aaron Ciarla, Chip Crush, John Hargis, Brett Hawke, Adam Jerger, Koffi Kla, Tom Klement, Dan Lindstrom, James McCreary, Lionel Moreau, Brock Newman, Pat O'Keeffe, Nick Shackell, Scott Tucker, and Eithan Urbach; and

WHEREAS, in their four years competing at the NCAA Championships, these young men have led Auburn University to national finishes and in this final commanding first place victory bring great honor to themselves, to Auburn, and to our state and are indeed deserving of highest praise for their outstanding accomplishment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as the 1997 NCAA National Champions, and in tribute to outstanding achievement, we hereby most highly commend and congratulate the Auburn University Swim Team, of whom we are justly proud, and for whom a copy of this resolution shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedford and Little requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 145.** SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE STATE BOARD OF HEALTH'S PROPOSED AMENDMENT TO CHAPTER NO. 420-7-2, ENTITLED "CONTROLLED SUBSTANCES."



WHEREAS, the State Board of Health filed a "Notice of Intended Action" of a proposed amendment to Chapter No. 420-7-2, entitled "Controlled Substances," which notice was published in the Alabama Administrative Monthly, dated January 31, 1997; and

WHEREAS, the State Board of Health certified to the Legislative Reference Service the adoption of an amendment to Chapter No. 420-7-2, on March 20, 1997, which was the subject of a review at a meeting of the Joint Committee on Administrative Regulation Review on April 24, 1997; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(c), Code of Alabama 1975, disapproved the proposed amendment to Chapter No. 420-7-2, entitled "Controlled Substances"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the decision of the Joint Committee to disapprove the proposed amendment to Chapter No. 420-7-2, entitled "Controlled Substances," is sustained.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Johnson (R):

**HJR 364.** DESIGNATING PUBLIC POWER WEEK OCTOBER 5-11, 1997.

Also:

By Rep. Box:

**HJR 365.** COMMENDING THE MCGILL-TOOLEN GIRLS VOLLEYBALL TEAM ON ITS 1996 STATE 6-A CHAMPIONSHIP.

Also:

By Rep. Crigler:

**HJR 366.** MOURNING THE DEATH OF MARY MARGARET WILSON OF ALABASTER, ALABAMA.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Hill, the Rules were suspended and the Resolution, HJR 364, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Hale, the Rules were suspended and the Resolutions, HJR's 365 and 366, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hill and Knight (A) (With Notice and Proof):

**HB 1019.** To alter, rearrange, and extend the boundary lines and corporate limits of the City of Chelsea in Shelby County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1019, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Hill and Knight (A) (With Notice and Proof):

**HB 1020.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Pelham in Shelby County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 1020, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

**HB 1064.** Relating to Coosa County; authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for an auction and for the disposition of proceeds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1064, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Turnham (With Notice and Proof):

**HB 1088.** Relating to Lee County; amending Act 92-511 of the 1992 Regular Session, relating to an unattended or abandoned motor vehicle and the towing of certain motor vehicles, to provide further that in the jurisdiction of the City of Auburn, the city council may provide by ordinance for the charges and the manner in which unattended or abandoned motor vehicles may be wheel locked and towed.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1088, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1019, 1020, 1064, and 1088 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable (With Notice and Proof):

**HB 1061.** Relating to Coosa County; providing further for the compensation of the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1061, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

**HB 1062.** Relating to Coosa County; amending Act 81-297, H. 649, 1981 Regular Session, relating to pistol permit fees, to increase the pistol permit fee the sheriff is required to charge, and providing for the distribution of the fees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1062, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

**HB 1063.** Relating to Coosa County; authorizing the sheriff to operate a jail store and a telephone system for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1063, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Hayden (With Notice and Proof):

**HB 1070.** Relating to Perry County; to authorize the Perry County Commission to establish a Junior Perry County Commission; and to authorize certain scholarships for the members of the Junior Perry County Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1070, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1061, 1062, 1063, and 1070 - to the Committee on Local Legislation No. 1

### REPORTS OF COMMITTEES

Senator Freeman, Chairperson of the Standing Committee on Eco-

conomic Expansion and Trade, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Laird (With Substitute):

**HB 44.** Relating to subordinate officers and employees of the Legislature; providing for the election, appointment, number, duties, powers, compensation, classification, and supervision of these officers and employees; providing that the Offices of the Lieutenant Governor and the Speaker of the House of Representatives are distinct and specifying the powers of the Lieutenant Governor and the Speaker in the operation of their offices; amending Sections 29-1-9, 29-1-12, 29-2-22, 29-2-41, and 29-2-62 of the Code of Alabama 1975; repealing Chapter 4 of Title 29 of the Code of Alabama 1975 and adding a new chapter in lieu thereof relating to subordinate officers and employees of the Legislature; repealing Sections 29-2-7, 29-2-21, and 29-2-53 of the Code of Alabama 1975; and providing for a delayed effective date.

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Lindsey:

**HB 344.** To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

By Senator Butler:

**SB 522.** To make a supplemental appropriation from the General Fund in the State Treasury to the Alabama Forestry Commission to be distributed to volunteer fire departments, in the amount of five hundred thousand dollars (\$500,000) for the fiscal year ending September 30, 1998.

By Rep. Black (M):

**HB 673.** To amend Section 36-21-2 of the Code of Alabama 1975, to provide a subsistence allowance to the marshal and deputy marshals employed by the state appellate courts.

By Senator Barron:

**SB 716.** To make an appropriation of \$400,000 from the State General Fund in the State Treasury to the City of Rainsville for damages caused by tornadoes for the fiscal year ending September 30, 1997.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Lindsey:

**HB 153.** To provide for distinctive motor vehicle license plates to honor cotton producers; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

By Rep. Hooper:

**HB 603.** To provide for distinctive motor vehicle license plates for supporters of the Alabama Sports Festival, Inc.; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

By Rep. Hammett:

**HB 912.** To provide for distinctive motor vehicle license plates for the 4-H Club Foundation; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Warren, Turner, McMillan, White, Ford, Carter, Layson, and Collins:

**HB 191.** To provide for distinctive motor vehicle license plates for supporters of the Alabama Wildlife Federation; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

By Reps. Box, Buskey, Crigler, Dean, Gaston, Turner, Kennedy, Clark (W), and Mitchell:

**HB 545.** To amend Section 33-2-185, 33-2-188 and 33-2-189, Code of Alabama (1975) which relate to the sale and issuance by Alabama State Docks Department of its dock facilities revenue bonds and refunding bonds, to provide for public sale of such bonds to the bidder therefor whose bid reflects the lowest true interest cost to the department for the series of bonds being sold thereby, to permit the public sale of such bonds upon publication of summary notice thereof, provide such summary notice shall be published at least one time not less than 10 days prior to the date fixed for such sale, and to permit the department to pay out of the proceeds of such bonds the cost of any surety bond or bonds that the department may cause to be deposited in a reserve account or fund to further secure the payment of the principal of, premium, if any, and the interest on the department's dock facilities revenue bonds and refunding bonds.

Senator Denton, Chairperson of the Standing Committee on Constitution, Campaign Finance, Ethics, and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little:

**SB 153.** Relating to false political advertising; creating and establishing the Fair Campaign Practices Commission; prescribing the powers and duties of the board; prohibiting false political advertising; and prescribing penalties for violations.

By Senator Denton:

**SB 616.** To amend Section 17-16-9 of the Code of Alabama 1975, to provide further for election of members of executive committees of political parties.

Senator Denton, Chairperson of the Standing Committee on Constitution, Campaign Finance, Ethics, and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Payne and Buskey (With Substitute):

**HB 162.** Relating to elections; to provide for the testing of electronic voting systems for an election.



Senator Denton, Chairperson of the Standing Committee on Constitution, Campaign Finance, Ethics, and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Venable:

**HB 222.** To amend Section 16-9-8, Code of Alabama 1975, to provide that elected county superintendents of education take office on January 1 following election.

Senator Hale, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator McClain:

**SB 405.** To amend Section 11-43D-14, Code of Alabama 1975, to remove the management of the mayor of certain Class 5 municipalities of public utilities; to provide that a public utility board be formed under Article 9, Chapter 11 of the Code of Alabama 1975 dealing with consolidation of utility boards; to provide for the board of directors of consolidated utility boards; and the dissolution of any utility boards formed under Chapter 97, Title 11 of the Code of Alabama 1975.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Figures, Windom, Barron, McClain, Little, Roberts, Smitherman, Bailey, Clay, Adams, Ghee, Sanders, Steele, Butler, Escott-Russell, Biddle, Armistead, Hale, Bedford, Smith, Waggoner, Poole, Davidson, Mitchell, Lindsey, Langford, Freeman, Amari, Mitchem, Denton, Myers, and Dixon:

**SB 688.** Relating to insurance, to provide further for the regulation of health insurance by authorizing the Commissioner of Insurance to create a high risk pool to provide health insurance coverage to eligible individuals to be called the Alabama Health Insurance Plan, and also to promote the availability of health insurance coverage to small employers re-

gardless of their health status or claims experience; to provide a premium tax offset for insurers funding the plan; to provide immunity to insurers participating in the plan; to exempt the plan from any taxation, and to provide an effective date.

Senator Langford, Chairperson of the Standing Committee on Tourism and Marketing, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford:

**SB 695.** To amend Section 36-1-7, Code of Alabama 1975, Code of Alabama 1975, as amended by Act 96-645, 1996 Regular Session, to provide further monetary awards given pursuant to the State Employee Suggestion Award Program.

### **COMMITTEE REPORT**

Senator Langford, Chairperson of the Standing Committee on Tourism and Marketing, reported that said committee, in session, had acted on the Bill, HB 933, and ordered same returned to the Senate with a favorable report, and placed on the calendar.

### **REPORTS OF COMMITTEES RESUMED**

Senator Amari, Chairperson of the Standing Committee on Business and Labor, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Townsend, Sanderford, Allen, Murphree, and Wren:

**HB 245.** Relating to insurance, to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with any Alabama institution of higher education for the administration of the examinations of life and disability insurance agents and brokers, and to allow the examination fees for the services to be paid directly to the testing institution in lieu of, but not in excess of, the fees set forth in Section 27-4-2, Code of Alabama 1975, by amending Section 27-8-7, Code of Alabama 1975.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Poole (With Notice and Proof):

**SB 707.** Relating to Tuscaloosa County, Alabama: to amend and reenact Act 86-656, 1986 First Special Session (Acts 1986, p. 39), as amended, establishing a fire district, pursuant to Amendment No. 358 to the Constitution of Alabama of 1901, for the purpose of preventing fires or for fire protection and certain other public service in Tuscaloosa County; providing for the manner such district may be created for any area; providing for the petition for any proposed district and the election thereon; providing that the expense of the conducting such election shall be paid by the county except that if the district is created the district shall reimburse the county; providing that after a district has been established the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district; providing that no district shall be created unless the creation thereof has been approved by the majority of votes cast at an election; providing that if the creation of the proposed district is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; providing for the enlargement and contraction of the district; providing for the management and operation of each district; providing for the election of a fire district board, except the initial board made up of the existing board of the directors of each volunteer fire department, each being a public corporation; providing for the terms of office of the members of the board; providing for the officers compensation, expense allowance and duties of the members of the board; defining the rights, power, and authority of the district; authorizing any such district to pledge all or any parts of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; authorizing any such district to levy and collect service charges or fees subject to certain limitations; providing that such services charges or fees shall not be levied unless the same is first approved by a majority of the votes cast by the qualified electors residing within the district; providing for the dissolution of any such district; providing that the provisions of this act are severable; repealing all laws, or parts of laws, in the conflict with the act; and providing for the effective date of the act.

By Senator Smith (With Notice and Proof):

**SB 715.** Relating to Etowah County; to provide further for the compensation for the board of equalization.

By Senator Steele (With Notice and Proof):

**SB 717.** Relating to Perry County; providing for an additional

expense allowance and salary for the Perry County Board of Education.

By Rep. Clouse (With Notice and Proof):

**HB 32.** Relating to Houston County; to impose a special additional filing fee of three dollars on certain instruments, documents, and papers filed for record in the office of the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

By Reps. Venable, Wren, and Gipson (With Notice and Proof):

**HB 891.** Relating to Elmore County, to repeal Act 10, H.61, of the 1911 Regular Session, as amended, relating to requiring the commissioner's court to publish the minutes of its meetings.

By Rep. Clark (J) (With Notice and Proof):

**HB 897.** Relating to Barbour County; to authorize the board of health to designate the environmental services for which a reasonable fee may be charged and to set the appropriate fee for each service.

By Reps. Dolbare and Jackson (With Notice and Proof):

**HB 899.** Relating to Clarke County; authorizing the county commission to levy an additional sales and use tax and providing for the collection, distribution, and use of the proceeds of the tax.

By Rep. Hill (With Notice and Proof):

**HB 906.** Relating to Shelby County, to amend Act 95-369, H. 826, 1995 Regular Session, to provide for the unlimited extension of an expense allowance for the tax assessor and tax collector.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Seibenhener (With Notice and Proof) (With Amendment):

**HB 949.** Relating to Geneva County; to provide for the election of the Geneva County Board of Education from five single-member districts; to define the boundaries of the districts; to include within those districts all of Geneva County except that area located within the corporate

limits of the City of Geneva; to authorize the board to change the boundaries of the election districts; to establish procedures for making changes; and to repeal Act 393, H. 681, 1931 Regular Session (1931 Acts, p. 175).

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Smith (With Notice and Proof):

**HB 953.** Relating to Chilton County; further providing for compensation of the board of registrars; amending Section 1 of Act 85-529, H. 768 of the 1985 Regular Session (Acts 1985, p. 638); and specifically repealing Acts 1707 and 1712 of the 1971 Regular Session, (Acts 1971, pp. 2874 and 2878), and Act 712 of the 1965 Regular Session (Acts 1965, p. 1317) and conflicting laws; and providing for a retroactive effective date of October 1, 1996.

By Rep. Lindsey (With Notice and Proof):

**HB 966.** Relating to Cherokee County; providing further for the fee that the judge of probate may charge for celebrating the rites of marriage.

By Reps. Curry and Knight (A) (With Notice and Proof):

**HB 972.** Relating to Shelby County; authorizing the City Council of the City of Helena to levy an additional ad valorem tax and providing for a referendum.

By Rep. Newton (C) (With Notice and Proof):

**HB 977.** Relating to Butler County; fixing the fee for an issuance of a pistol permit by the sheriff and providing for the disposition and use of the proceeds; and repealing Act 88-321, H. 732 of the 1988 Regular Session (Acts 1988, p. 486).

By Rep. Thomas (J) (With Notice and Proof):

**HB 980.** Relating to Wilcox County; providing for an additional expense allowance and salary for the members of the Wilcox County Board of Education.

By Reps. McDaniel and Hawk (With Notice and Proof):

**HB 999.** Relating to Marshall County; to provide that the county commission may pay life insurance premiums for its retired employees.

By Rep. Knight (A) (With Notice and Proof):

**HB 1001.** Relating to Bibb County; to create a motor vehicle license and title division within the office of the judge of probate for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses and titles; and to transfer certain duties now performed by the tax assessor/collector to the judge of probate.

By Reps. Warren and Jackson (With Notice and Proof):

**HB 1017.** To alter or rearrange the boundary lines of the City of Monroeville, Monroe County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Monroeville, Monroe County, Alabama.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Adams, Armistead, Butler, Dial, Hale, Lindsey, Amari, Dixon, Waggoner, Davidson, Little, Biddle, Poole, Windom, Bailey, and Hill:

**SB 645.** To exempt the United Daughters of the Confederacy from the payment of all state, county, and municipal sales and use taxes.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with

a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Amari, Dixon, Hill, Adams, Armistead, Smith, Lipscomb, Waggoner, and Davidson (With Amendments):

**SB 691.** To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-five million dollars (\$175,000,000) aggregate principal amount of additional bonds to purchase items of tangible or intangible personal property determined to be necessary to implement the Alabama Technology and Portable Classroom Elimination Act for K-12 Education; to purchase information technology components for K-12 education, the Alabama School of Fine Arts, the Alabama School of Mathematics and Science, and the Alabama Institute for Deaf and Blind; to provide funds to upgrade the career/technical programs for grades 7-12; to provide funds for training facilities and resources for teacher professional development; to purchase capital improvements for K-12 education and to eliminate portable classrooms; to provide for the reallocation of any unexpended funds after a specified period of time; to authorize the Authority to reimburse the Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal of and interest on said bonds at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and to pay the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; to provide that the Authority shall have no responsibility for

the security, operation, or liabilities of any system funded from proceeds of the Bonds, that this Act shall not be construed to modify any laws relating to the use or dissemination of data over such system and that the Authority shall have no proprietary or property interest therein; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smitherman:

**SB 696.** To authorize the state to pay the tuition of any needy, qualified student pursuing a baccalaureate degree at any Alabama state college or university; to provide definitions; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

By Senator Steele:

**SB 703.** To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the University of Alabama, in the amount of one hundred thousand dollars (\$100,000) for the fiscal year ending September 30, 1997.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Smitherman and Escott-Russell (With Amendment):

**SB 712.** To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the University of Alabama-Birmingham for the Sickie Cell Program, in the amount of \$134,000 for the fiscal year ending September 30, 1997.

By Rep. Morrison and Drake (With Amendment):

**HB 20.** To make conditional appropriations from the Education Trust Fund for the fiscal year ending September 30, 1997 for capital outlay purposes for the replacement of or repairs to schools damaged by fire or natural disaster as follows: (1) To the Cullman County Board of



Education: one million five hundred thousand dollars (\$1,500,000); (2) to the Madison County Board of Education: one hundred fifty thousand dollars (\$150,000); (3) to the Tallapoosa County Board of Education: four hundred fifty thousand dollars (\$450,000); (4) to the Montgomery County Board of Education: four hundred thousand dollars (\$400,000); and (5) to the Elmore County Board of Education; three hundred thousand dollars (\$300,000); and to make conditional appropriations from the Education Trust Fund for the fiscal year ending September 30, 1998 to the same boards of education for the same purposes in the event the conditional appropriations made by this act for the fiscal year ending September 30, 1997 are not released.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Gaines, Moore, Carter, Hinshaw, Haney, Baker, Papucci, Drake, Carns, Thomas (D), Hill, Gipson, Morton, Curry, Black (M), Rogers (M), Lindsey, Guin, Murphree, Jorgensen, Smith, Galliher, Graham, Dukes, Sanderford, Johnson (E), Houston, Hooper, Sanderson, Sims, Hawkins, Knight (A), Gaston, Penry, Mitchell, Boyd, Maull, Millican, Morrison, Allen, Townsend, Clouse, Pringle, Dean, and Wren (With Amendments):

**HB 883.** To authorize the state to pay the tuition of any needy, qualified student pursuing a baccalaureate degree at any public Alabama state college or university; to provide definitions; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drake and Morrison:

**HJR 440.** MOURNING THE DEATH OF DENNIS LIPUS  
BLALOCK OF CULLMAN COUNTY, ALABAMA.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Hale, the Rules were suspended and the Resolution, HJR 440, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE GOVERNOR**

April 21, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Family Trust Board of Trustees.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 21st day of April, 1997.

April 21, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Elizabeth Woodruff of Tuscaloosa, Alabama, to serve as a member of the Alabama Family Trust Board of Trustees, effective March 25, 1997. The term of office will expire on October 1, 1998.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 21st day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Family Trust Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 21, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Family Trust Board of Trustees.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 21st day of April, 1997.

April 21, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Cecil Carter of Montgomery, Alabama, to serve as a member of the Alabama Family Trust Board of Trustees, effective March 19, 1997. The term of office will expire on October 10, 1999.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 21st day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Family Trust Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 21, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Family Trust Board of Trustees.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 21st day of April, 1997.

April 21, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Audrey Parrish of Florence, Alabama, to serve as a member of the Alabama Family Trust Board of Trustees, effective March 19, 1997. The term of office will expire on October 10, 1999.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 21st day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Family Trust Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 21, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Family Trust Board of Trustees.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 21st day of April, 1997.

April 21, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Jeff Gordon of Birmingham, Alabama, to serve as a member of the Alabama Family Trust Board of Trustees, effective March 19, 1997. The term of office will expire on October 10, 1999.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 21st day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Family Trust Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 24, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Judicial Inquiry Commission.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 24th day of April, 1997.

April 24, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Guice Slawson, Sr. of Louisville, Alabama, to serve as a member of the Judicial Inquiry Commission, effective April 24, 1997. The term of office will expire on April 23, 2001.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 24th day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Judicial Inquiry Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 18, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 18th day of April, 1997.

April 18, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Mary Fuzzell of Centreville, Alabama, to serve as a member of the Cahaba Trace Commission, effective April 16, 1997. The term of office will expire on December 31, 2000.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 18, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 18th day of April, 1997.

April 18, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Mary Auburtin of Marion, Alabama, to serve as a member of the Cahaba Trace Commission, effective April 16, 1997. The term of office will expire on December 31, 2000.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1997.



**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 18, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 18th day of April, 1997.

April 18, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Jack Crouch of Birmingham, Alabama, to serve as a member of the Cahaba Trace Commission, effective April 16, 1997. The term of office will expire on December 31, 2000.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 18, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 18th day of April, 1997.

April 18, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Jean Rosene of Tuscaloosa, Alabama, to serve as a member of the Cahaba Trace Commission, effective April 16, 1997. The term of office will expire on December 31, 2000.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

April 18, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 18th day of April, 1997.

April 18, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Elise Blackwell of Selma, Alabama, to serve as a member of the Cahaba Trace Commission, effective April 16, 1997. The term of office will expire on December 31, 2000.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 18th day of April, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. McMillan:

**HJR 408.** COMMENDING JENNA NICOLE FOWLER AS RECIPIENT OF THE 1996-97 CITIZENSHIP AWARD AT ELSANOR SCHOOL.

Also:

By Rep. McMillan:

**HJR 409.** COMMENDING JESSICA DANIELLE MIDDLETON AS RECIPIENT OF THE 1996-97 CITIZENSHIP AWARD AT ROSINTON SCHOOL.

Also:

By Rep. Turner:

**HJR 411.** COMMENDING THE CITRONELLE-CALL NEWSPAPER ON ITS 100TH ANNIVERSARY.

Also:

By Reps. Morton and Allen:

**HJR 413.** COMMENDING SIMPSON PEPPER ON HIS OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 408, 409, 411, and 413, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Murphree:

**HJR 414.** COMMENDING TIGER WOODS ON WINNING THE MASTERS GOLF TOURNAMENT.

Also:

By Reps. Melton, Parker (T), Layson, Hayden, Allen, and Guin:

**HJR 423.** COMMENDING THE SHELTON STATE COMMUNITY COLLEGE SCHOLARS BOWL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Baker, Clouse, Seibenhener, and Carothers:

**HJR 424.** COMMENDING THE MEN'S BASKETBALL TEAM OF WALLACE COMMUNITY COLLEGE IN DOTHAN, ALABAMA, ON AN OUTSTANDING 1996-97 SEASON.

Also:

By Reps. Allen, Melton, and Parker (T):

**HJR 425.** COMMENDING LINDA H. TRUELOVE OF COTTONDALE, ALABAMA, AS RECIPIENT OF THE CHRISTA MCAULIFFE FELLOWSHIP AWARD FOR THE STATE OF ALABAMA FOR 1996.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 414, 423, 424, and 425, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dolbare, Clark (J), and Laird:

**HJR 410.** PETITIONING THE UNITED STATES CONGRESS TO REPEAL ESTATE AND GIFT TAX LAWS.

WHEREAS, working men and women of Alabama spend decades in jobs to provide a better life for themselves and their offspring; and

WHEREAS, Social Security and other current entitlements created by Congress may be in jeopardy in the future; and

WHEREAS, the savings rate in the United States is lower than in most industrialized nations; and

WHEREAS, the incentive to save is thwarted by the national government's tax code which takes up to 55 percent of the assets of a taxpayer upon death; and

WHEREAS, estates of a deceased family member, which contain, in whole or in part, closely held family businesses that owe a ludicrous amount of taxes to the federal government ranging from 37.5 to 55 percent of their fair market value, are often forced to sell or liquidate those family businesses; and

WHEREAS, family businesses represent the heart of the American dream and should be encouraged to continue instead of being forced into liquidation or heavy debt; and

WHEREAS, family farms are often forced, without leniency, to be sold in order to pay estate taxes; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,**

BOTH HOUSES THEREOF CONCURRING, That the Congress of the United States is strongly urged to repeal, in their entirety, federal estate and gift tax statutes.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the following persons:

The Honorable Al Gore  
The Honorable Spencer Bachus  
The Honorable Trent Lott  
The Honorable Terry Everett  
The Honorable Newt Gingrich  
The Honorable Robert Aderholt  
The Honorable Richard Shelby  
The Honorable Bob Riley  
The Honorable Jeff Sessions  
The Secretary of the United State Senate  
The Honorable Sonny Callahan  
The Clerk of the United States House of Representatives  
The Honorable Bud Cramer  
The Honorable Earl Hilliard

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 410, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Morrison, Thomas (D), and Jackson:

**HJR 422.** TO ESTABLISH A JOINT INTERIM LEGISLATIVE COMMITTEE AND SUBCOMMITTEE ON RURAL TRANSPORTATION TO DEVELOP A FIVE-YEAR PLAN CONCERNING TRANSPORTATION AND TO IDENTIFY RESOURCES FOR TRANSPORTATION.

WHEREAS, the Alabama Legislature finds that providing efficient, coordinated, safe, and responsive public transportation to the urban and

rural residents of this great state is an essential public purpose that promotes the general mobility and commerce of the community, state, and nation; serves the needs of the disabled and mentally and physically challenged; fosters training and employment opportunities; serves persons who are otherwise welfare-dependent; improves the quality of life for the elderly; provides critical emergency service; conserves energy; and improves land use; and

WHEREAS, the Alabama Legislature finds that in order to develop a five-year plan, it is crucial that all agencies, departments, or entities, whether public or private and whether state or local, which use state, federal, or other public funds, including state-administered federal funds, for the transportation of private citizens on a regular basis should be a partner in this quest of providing rural and urban transportation fairly, equitably, efficiently, and economically; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the intent of the Legislature is to improve access and delivery of transportation services to the urban and rural areas of this great state, and especially to those areas of the state without any or with meager access or delivery of a transportation system.

That the Joint Interim Legislative Committee on Rural Transportation is hereby directed as follows:

(1) To develop a five-year urban and rural transportation plan to address the concerns set out in the Legislative findings of this act in order to accomplish the following:

(a) Provide for urban and rural areas to utilize wherever possible existing transportation resources, public and private, before any new resources are designated from public funds in order to operate transportation needs with the funding and transportation system available and to support the specific programs from which the funding is derived and to support the people of the State of Alabama.

(b) Develop a five-year plan and transportation policies that are consistent with balanced economic growth in the state.

(2) The committee shall consist of a total of six persons as follows: three members of the House of Representatives, appointed by the Speaker of the House of Representatives; three members of the Senate, appointed by the Lieutenant Governor; and the Director of the Department of Transportation, or the designee of the director, shall be an ex officio member, who



shall serve at the will of the committee. The committee shall elect its own chair from among the appointed members and shall set its own rules of procedure.

(3) For the purposes of Section 1, a subcommittee of the Joint Interim Legislative Committee on Rural Transportation is created to develop the five-year plan after receiving input and gathering information from all state agencies as required by this act.

(4) For the purpose of Section 1, a subcommittee of the Joint Interim Legislative Committee on Rural Transportation shall be created for the purpose of providing and obtaining information in order that the committee shall be able to carry out its purpose. The subcommittee shall consist of, but not be limited to, the department directors or their designee of the following agencies: Alabama Department of Transportation, Alabama Department of Economic and Community Affairs, Alabama Medicaid, Alabama Commission on Aging, Alabama Department of Mental Health and Mental Retardation, and the Alabama Department of Human Resources.

Each department head shall provide to the subcommittee the following information in order that they may obtain their goals.

1. Number of vehicles used to transport clients.
2. Number of passenger seats in each vehicle.
3. Number of passenger miles.
4. Itemized cost of providing transportation.
5. Source or sources from which funds are derived.
6. Any other information the subcommittee shall deem necessary to complete its goal.

Each subcommittee member shall have equal authority and input on all issues relative to the subject, matters of information, and all phases of presentation of the five-year plan.

(c) Each agency and department of state government shall cooperate with the committee and subcommittee in providing all necessary information and data regarding the agency or department activities in public transportation; provided, the Department of Corrections, the State Department of Education, school districts, and public institutions of higher education are exempt from the requirements of this subsection and paragraph.

BE IT FURTHER RESOLVED, That each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of

the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. All unexpended funds allocated for the committee by Act 96-754 shall be available for expenses of the committee and an additional sum of ten thousand dollars (\$10,000) for expenditures of the committee during the remainder of the quadrennium shall be allocated from the appropriations for use of the Legislature.

RESOLVED FURTHER, That the subcommittee shall make its report to the committee at its first meeting in January 1998, and the committee shall render its report pursuant to Act 96-754, SJR 81 of the 1996 Regular Session on the fifth legislative day of the 1998 Regular Session.

RESOLVED FURTHER, That the Joint Interim Legislative Committee on Rural Transportation and subcommittee are extended with all of the original powers and duties and those enumerated herein until the last day of the quadrennium of the current legislative session, at which time the committee and subcommittee shall be discharged of any further duties and responsibilities and shall stand dissolved.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 422, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

**HJR 419.** NAMING THE HENRY E. HAMILTON BRIDGE ON HIGHWAY 72 OVER ELK RIVER AT THE LIMESTONE COUNTY, LAUDERDALE COUNTY LINE.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Butler, the Rules were suspended and the Resolution, HJR 419, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McMillan and Penry:

**HJR 342.** COMMENDING THE FOLEY HIGH SCHOOL KEY CLUB ON ITS OUTSTANDING ACHIEVEMENTS.

Also:

By Rep. Sanderson:

**HJR 343.** COMMENDING RONALD E. HENDERSON, M.D., AS RECIPIENT OF THE 1996 PHYSICIANS EXECUTIVE AWARD.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 342, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Adams, the Rules were suspended and the Resolution, HJR 343, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Rep. Haney:

**HJR 332.** 40TH ANNIVERSARY OF BALLISTIC MISSILE DEFENSE.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Resolution, HJR 332, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Page:

**HJR 368.** COMMENDING THE GADSDEN REGIONAL MEDICAL CENTER AND ITS STAFF.

Also:

By Reps. Allen, Smith, and Hayden:

**HJR 389.** COMMENDING CURTIS GVILLO OF MOUNDVILLE, ALABAMA, AS CATFISH FARMER OF THE YEAR.

Also:

By Rep. Page:

**HJR 390.** COMMENDING DORIS SANTOS AS 1997 SECONDARY TEACHER OF THE YEAR FOR THE GADSDEN CITY SCHOOL SYSTEM.

Also:

By Rep. Parker (T):

**HJR 391.** RECOGNIZING JUNE B. SPRINGER FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith, the Rules were suspended and the Resolutions, HJR's 368 and 390, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Adams, the Rules were suspended and the Resolution, HJR 389, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Poole, the Rules were suspended and the Resolution, HJR 391, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Reps. Hawkins, Sanderson, Carns, Payne, Curry, Townsend, Hill, and Gaines:

**HJR 369.** COMMEMORATING THE LIFETIME ACHIEVEMENT OF THE LATE JOHN D. CHICHESTER OF BIRMINGHAM, ALABAMA.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator McClain, the Rules were suspended and the Resolution, HJR 369, set out in the foregoing Message from the House,

was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hamilton and Carter:

**HJR 363.** DEPARTMENT OF PUBLIC SAFETY URGED TO STUDY FEASIBILITY OF LOWERING THE SPEED LIMIT TO 55 MPH ON HIGHWAY 72 FROM ATHENS TO ROGERSVILLE.

WHEREAS, there have been numerous automobile accidents on Highway 72 from Athens to Rogersville which lies in portions of Lauderdale County; and

WHEREAS, this portion of Highway 72 lacks a safe and efficient four-lane highway system; and

WHEREAS, many times when it rains, the water fails to shift off the road which causes automobiles traveling at a speed of 65 mph or greater to hydroplane; and

WHEREAS, the possible loss of life on this portion of Highway 72, and the risk of bodily harm may be significantly reduced if the speed limit is lowered to 55 mph; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Department of Public Safety to study the feasibility of lowering the speed limit to 55 mph on Highway 72 from Athens to Rogersville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Director of Public Safety as an expression of our concerns and expectations on this important issue.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Butler, the Rules were suspended and the

Resolution, HJR 363, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drake, Rogers (J), and Turner:

**HJR 388.** ESTABLISHING AN ADVISORY COMMITTEE TO STUDY THE FEASIBILITY OF ALLOWING MEMBERS OF THE LEGISLATURE TO PARTICIPATE IN A RETIREMENT PLAN OR IN AN HONORARY MEMBERSHIP POSITION.

WHEREAS, most employees of the Executive Branch of government are members of the Employees' Retirement System; and

WHEREAS, in 1973 the Legislature passed and the people of the state ratified a constitutional amendment to allow elected members of the Judicial Branch of government to participate in a retirement plan; and

WHEREAS, members of the Alabama Legislature are among the few state officials who are not eligible to participate in the Employees' Retirement System; and

WHEREAS, on July 10, 1995, the Supreme Court of Alabama, in an Opinion of the Justices, stated that the Legislature may constitutionally create honorary offices to be held by former members of the Legislature and former Lieutenant Governors and provide for the expenses of such positions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is established an advisory committee to study the feasibility of establishing a legislative retirement program or an honorary legislative position. The committee shall gather and study information on other states which provide for legislative retirement programs or such honorary programs, and if it determines that such a program would be both desirable and feasible, develop a proposal to be submitted to the Legislature as provided below. The committee shall be composed of the following members:

1. Three members appointed by the Speaker of the House of Representatives.

2. Three members appointed by the Lieutenant Governor.

The committee shall meet as soon as practicable after the adjournment of the 1997 Regular Session of the Legislature and shall select from among its members a chair and vice chair. Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The Chief Executive Officer of the Retirement Systems of Alabama shall provide the committee with the necessary support and expertise that may be required by the committee in its study and evaluation. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the second legislative day of the 1998 Regular Session, whereupon the committee shall stand dissolved and discharged of any further duties and liabilities. Any legislative member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee. Nonlegislative members of the committee shall not be entitled to compensation, mileage, or per diem expenses for service on the committee.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 388, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Allen:

**HJR 334.** COMMENDING LYNWOOD DUNCAN ON HIS OUTSTANDING CHRISTIAN SERVICE.

Also:

By Rep. Black (L):

**HJR 335.** DESIGNATING THE UNIVERSITY OF WEST ALABAMA HIGHWAY IN SUMTER COUNTY.



Also:

By Rep. Guin:

**HJR 336.** DESIGNATING SCHOOL STREET IN CORDOVA  
THE "BLUE DEVIL WAY."

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Adams, the Rules were suspended and the Resolutions, HJR's 334 and 336, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Steele, the Rules were suspended and the Resolution, HJR 335, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Carothers, Johnson (R), Clouse, Moore, Seibenhener, and Baker:

**HJR 387.** COMMENDING JIM WALTER HOMES, INCORPORATED, AND WALTER INDUSTRIES, INCORPORATED.

Also:

By Rep. Crigler:

**HJR 392.** MOURNING THE DEATH OF MR. OLIVER WASHINGTON, II, OF MOBILE, ALABAMA.

Also:

By Rep. Smith:

**HJR 393.** COMMENDING THE CLANTON LIONS CLUB ON ITS 50TH ANNIVERSARY.

Also:

By Rep. Smith:

**HJR 394.** COMMENDING DR. AND MRS. CHARLES M. CHRISTMAS, SR., FOR DEDICATED SERVICE AND LEADERSHIP TO THE CHILTON BAPTIST ASSOCIATION (MARCH 15, 1990-MARCH 31, 1997).

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Adams, the Rules were suspended and the Resolutions, HJR's 387, 392, 393, and 394, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (R):

**HJR 396.** DESIGNATING THE MONTH OF MAY AS HEPATITIS AWARENESS MONTH AND URGING PUBLIC AWARENESS ON BEHALF OF THE DEPARTMENT OF PUBLIC HEALTH.

WHEREAS, Chronic Viral Hepatitis currently infects 4.5 million Americans and there are 150,000 new cases each year in the United States; and

WHEREAS, the consequences of the Hepatitis C Virus cost \$7.3 million per 100,000 people because of the nature of Hepatitis being largely an asymptomatic disease until irreversible liver damage has occurred; and

WHEREAS, Chronic Viral Hepatitis is largely unreported and the public is uninformed about Chronic Viral Hepatitis; and

WHEREAS, in the absence of a vaccine, emphasis must be placed on other means of disease prevention, including the education of health care workers and the general public; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the month of May as Hepatitis C Education Awareness Month, urging public awareness on behalf of the Department of Public Health through increased public education during this month.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Adams, the Rules were suspended and the Resolution, HJR 396, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carothers, Johnson (R), Venable, Willis, Sims, Boyd, Rogers (M), Drake, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, and Wren:

**HJR 403.** HONORING AND SUPPORTING THE COLONEL E. C. DOTHARD SAFETY EDUCATION MUSEUM.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Adams, the Rules were suspended and the

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Resolution, HJR 403, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Knight (J):

**HJR 360.** COMMENDING THE ALABAMA STATE UNIVERSITY HONDA CAMPUS ALL-STAR CHALLENGE TEAM FOR WINNING THE 1997 NATIONAL ALL-STAR CHALLENGE BOWL.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Adams, the Rules were suspended and the Resolution, HJR 360, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Newton (D):

**HJR 316.** AMENDING THE JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 316, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

**HJR 333.** COMMENDING UNITED STATES SENATOR HOWELL HEFLIN ON HIS OUTSTANDING CONTRIBUTIONS AND LEADERSHIP IN CONGRESS.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Adams, the Rules were suspended and the Resolution, HJR 333, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turner:

**HJR 371.** COMMENDING REPRESENTATIVE TOM DRAKE AS RECIPIENT OF THE IRON MIKE MAZURKI AWARD.

Also:

By Rep. Flowers:

**HJR 367.** COMMENDING WILLIAM WOODROW CARTER AS RECIPIENT OF THE 1997 ALABAMA SMALL BUSINESS PERSON OF THE YEAR AWARD.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Adams, the Rules were suspended and the Resolution, HJR 371, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 367, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Flowers:

**HJR 314. HONORING OCCUPATIONAL THERAPISTS IN ALABAMA.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Adams, the Rules were suspended and the Resolution, HJR 314, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Thomas (J):

**HJR 344. MOURNING THE DEATH OF WILLIE LEWIS BARNES, SR., OF LAPINE, ALABAMA.**

Also:

By Reps. White, Sanderford, and Hilliard:

**HJR 354.** COMMENDING OFFICER JULIUS A. GAMBLIN AS RECIPIENT OF THE 1997 LEGISLATIVE MEDAL OF HONOR FOR LAW ENFORCEMENT OFFICERS.

Also:

By Rep. Carter:

**HJR 355.** COMMENDING ROGER MURRAH ON HIS OUTSTANDING PROFESSIONAL CAREER.

Also:

By Rep. Knight (J):

**HJR 361.** COMMENDING CANTERBURY HIGH SCHOOL OF MONTGOMERY, ALABAMA.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Adams, the Rules were suspended and the Resolutions, HJR's 344, 354, 355, and 361, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Baker:

**HJR 248.** COMMENDING THE REVEREND E. L. KNIGHT, PASTOR OF CEDAR GROVE BAPTIST CHURCH, ABBEVILLE, ALABAMA.

Also:

By Rep. Crigler:

**HJR 249.** COMMENDING THE THEODORE HIGH SCHOOL

SCOTT HI-Q ACADEMIC TEAM ON OUTSTANDING ACHIEVEMENTS.

Also:

By Rep. Clouse:

**HJR 251.** MOURNING THE DEATH OF VIRGIL W. DOBBS, JR., OF THE MT. PISGAH COMMUNITY OF DALE COUNTY, ALABAMA.

Also:

By Rep. Gaston:

**HJR 254.** COMMENDING MATTHEW ANTON PASTORCICH ON OBTAINING THE RANK OF EAGLE SCOUT.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Adams, the Rules were suspended and the Resolutions, HJR's 248, 249, 251, and 254, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Parker (T):

**HJR 327.** RECOGNIZING GERI L. STONE FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

By Rep. Parker (T):

**HJR 328.** RECOGNIZING GERI L. STONE FOR OUTSTANDING ACHIEVEMENT AND SERVICE.



Also:

By Rep. Parker (T):

**HJR 329.** COMMENDING JANE ELLEN STRITZINGER AS RECIPIENT OF THE OUTSTANDING EDUCATOR AWARD OF THE TOMBIGBEE GIRL SCOUT COUNCIL.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Adams, the Rules were suspended and the Resolutions, HJR's 327, 328, and 329, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Millican:

**HJR 290.** COMMENDING JOHNNY MAX RAY ON HIS OUTSTANDING ACHIEVEMENTS.

Also:

By Rep. Rogers (M):

**HJR 291.** COMMENDING LIEUTENANT COLONEL JOSEPH J. PFANZELTER OF JACKSONVILLE, ALABAMA.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Adams, the Rules were suspended and the Resolutions, HJR's 290 and 291, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**SB 359.** To amend Section 12-13-20, Code of Alabama 1975, relating to the compensation for salaried judges of probate of the respective counties of the state, to provide further for the basis of the salaries, based on the population of the respective counties of the state, and the extra compensation for certain judges of probate who have additional responsibility in the county; and to specify that this bill shall not affect the compensation of judges of probate who receive a greater annual salary.

as amended, which said amendment is set out in the Journal of the Senate for the Thirteenth Legislative Day, and pending Dial substitute which said substitute was offered on the Twenty-Fifth Legislative Day.

On motion of Senator Mitchem, further consideration of the Bill, SB 359, and pending substitute, was postponed temporarily.

**BUDGET ISOLATION RESOLUTION**

Senator Amari, B.I.R., SB 671, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Hale, Hill, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Waggoner, and Windom -25

Nays:

- 0

**SPECIAL ORDER  
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

**SB 671.** To provide that any person with two or more convictions of driving under the influence of any substance that impairs the ability of the person to safely operate a motor vehicle and who is subsequently convicted of driving under the influence of any substance that impairs their

ability to safely operate a motor vehicle would pay an additional fee for reinstatement of their driver's license; and to provide for a distinctive "driving under the influence" driver's license.

Senator Amari offered the following substitute for the Bill, SB 671, to-wit:

**SUBSTITUTE FOR SB 671**

A BILL  
TO BE ENTITLED  
AN ACT

To provide that any person with two or more convictions of driving under the influence of any substance that impairs the ability of the person to safely operate a motor vehicle and who is subsequently convicted of driving under the influence of any substance that impairs their ability to safely operate a motor vehicle would pay an additional fee for reinstatement of their driver's license; and to provide for a distinctive "driving under the influence" driver's license.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolution delivered to the Governor with the date and hour of delivery, to-wit:

SJR 132

Delivered to the Governor on May 1, 1997, at 10:52 A.M.

SB 54      SB 438

Delivered to the Governor on May 1, 1997, at 11:20 A.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 11:55 P.M., on motion of Senator Amari, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, SB 671, the Senate adjourned until Tuesday, May 6, 1997, at 9 o'clock A.M.

## **TWENTY-SEVENTH LEGISLATIVE DAY**

**TUESDAY, MAY 6, 1997**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Willie Welch, First Baptist Church of Greater Washington Park, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Chip Woosley, Westminster Christian Academy, Huntsville, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

## **JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

## **UNANIMOUS CONSENT GRANTED**

Senator Mitchell requested and received unanimous consent to allow Standing Committees to report out of order for today.

## **MOTION TO ADJOURN**

Senator Dixon moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, May 7, 1997, at 9 o'clock A.M., which motion was adopted.

## **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sims:

**HB 470.** Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Talladega County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

GREG PAPPAS,  
Clerk.

## **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 470 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sims:

**HB 469.** Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Calhoun County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 469 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Melton:

**HB 703.** Relating to any Class 4 municipality; to authorize the Legislature by local law to provide for the election and operation of the board of education in the municipality.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 703 - to the Committee on Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. McKee (With Notice and Proof):

**HB 849.** To amend Sections 3 and 4 of Act 26, H. 48, 1962 Special Session (Acts 1962, p. 37) (commonly referred to as "The Trinity Act"), to place responsibility for the administration of its benefits with the board of trustees of the Employees' Retirement System of the City of Montgomery.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 849, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 849 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. McKee (With Notice and Proof):

**HB 825.** To amend Subsection (2) of Section 6 of Act 756, S.



861, 1975 Regular Session (Acts 1975, p. 1528), to provide that the board of trustees of the Employees' Retirement Systems of the City of Montgomery is responsible for administering the benefits provided for by Act 26, H. 48, 1962 Special Session (Acts 1962, p. 37) (commonly referred to as "The Trinity Act").

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 825, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 825 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Crigler (With Notice and Proof):

**HB 919.** To provide for a retirement system for police and firefighters of the City of Mobile, Alabama; providing for membership and service requirements, eligibility, amount, and payment of benefits; providing for employer and employee contributions to the system; providing for administration and management of the system under a board of trustees; providing for certain limitations on benefits to certain employees; providing for appeals from decisions made by the board; and repealing Act 243, H. 278, 1964 First Special Session (Acts 1964, p. 326), Act 400, H. 564, 1965 Regular Session (Acts 1965, p. 576), Act 359, H. 366, 1966 Special Session (Acts 1966, p. 499), Act 180, H. 167, 1967 Regular Session (Acts 1967, p. 231), Act 1484, S. 1030, 1971 Regular Session (Acts 1971, p.

2540), Act 887, S. 740, 1978 Regular Session (Acts 1978, p. 1315), Act 80-339, H. 875, 1980 Regular Session (Acts 1980, p. 458), Act 85-231, H. 211, 1985 Regular Session (Acts 1985, p. 130), Act 85-312, H. 176, 1985 Regular Session (Acts 1985, p. 211), Act 85-938, H. 129, 1985 Special Session (Acts 1985, p. 241), Act 86-475, H. 478, 1986 Regular Session (Acts 1986, p. 900), Act 90-198, S. 566, 1990 Regular Session (Acts 1990, p. 229), Act 91-701, H. 980, 1991 Regular Session (Acts 1991, p. 1365), and Act 95-571, H. 598, 1995 Regular Session (Acts 1995, p. 1194).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 919, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 919 - to the Committee on Local Legislation No. 3

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Perdue, Hilliard, Minnifield, Newton (D), Houston, Rogers (J), Spratt, Johnson (E), and McAdory (With Notice and Proof):

**HB 915.** Relating to any Class 1 municipality; to authorize the incorporation of an authority as a public corporation for the purpose of providing public transportation service, upon the filing of an application with and the authorization of the incorporation by the governing body of the principal county where the Class 1 municipality is located and the governing body of the Class 1 municipality in the county; to provide for the amendment of the certificate of incorporation of an authority for certain purposes

at any time, upon the authorization of each amendment by the governing body of the principal county by which its incorporation was authorized and by the governing body of the Class 1 municipality in the county; to provide for the election and compensation of directors of the authority; to provide for the powers, authorities, and duties of an authority and its board of directors; to authorize an authority to acquire, construct, operate, improve, and finance one or more transit systems; to confer on an authority the power of eminent domain; to authorize an authority to expend funds for the purchase or lease of materials, equipment, supplies, or other personal property involving less than \$2,000, employ officers, employees, and agents without regard to any provisions of the state bid law or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by the authority; to provide for the issuance by an authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of any tax proceeds appropriated, allocated, or made payable to the authority or the revenues of any one or more of the transit systems of an authority, without regard to the system or systems with respect to which the revenue securities may have been issued; to provide that the revenue securities shall constitute negotiable instruments; to provide that the revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding an authority for the proper application of its revenues and of the proceeds of the revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable; to provide that any revenue securities of the authority may be issued under a trust indenture; to provide for constructive notice of any statutory mortgage lien; to authorize the assumption by an authority of obligations respecting any transit system, or parts thereof, acquired by the authority; to provide for the use of the proceeds of any revenue securities issued by an authority; to provide for the refunding, by the issuance of revenue securities of an authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by an authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend, or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to an authority; to exempt the property and income of an authority, and all securities issued by an authority and the income from the securities, and conveyances, leases, and mortgages and deeds of trust to which the authority is a party from all taxation in the state, to exempt every authority from all taxes, including license and excise taxes,

levied by any county, municipality, or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to provide that each authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by an authority; to require the board of directors of an authority to adopt an annual budget and to cause annual audits of the books and records of the authority to be made; to provide that no employee of an authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; to provide for the dissolution of an authority and the disposition of its property; to provide for taxation; and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 915, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 915 - to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Rogers (J), Payne, Houston, Townsend, Perdue, Gaines, Carns, Hawkins, and Spratt (With Notice and Proof):

**HB 671.** Relating to the City of Birmingham in Jefferson County; amending Section 3 of Act No. 95-736, H. 568 of the 1995 Regular Session

(Acts 1995, p. 1571), providing for an increase in the membership of the board of commissioners of the Birmingham Stadium and Exposition District Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 671, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS.*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 671 - to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDaniel, McMillan, Gaston, Warren, Turner, Burke, Black (M), Hawk, Minnifield, Morrison, Jorgensen, Murphree, Dukes, Graham, Smith, Starkey, Hamilton, Turnham, Fuller, Layson, Collins, Clouse, Johnson (R), Millican, Wren, Vance, Jackson, Letson, Townsend, Petelos, Morton, Galliher, Curry, Haney, and Hammett:

**HB 1033.** To propose an amendment to the Constitution of Alabama of 1901, authorizing the issuance of general obligation bonds of the State of Alabama in an aggregate principal amount not exceeding eighty million dollars (\$80,000,000) for the purpose of the acquisition, provision, construction, improvement, renovation, equipping and maintenance of state parks and park facilities.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1033 - to the Committee on Fiscal Responsibility and Accountability

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. McMillan, Clark (J), McDaniel, Smith, and Hamilton:

**HB 567.** To further provide for the funding of state parks under the jurisdiction of the Department of Conservation and Natural Resources; to amend Section 9-2-106, Code of Alabama 1975, so as to provide for the continuous appropriation of certain interest to the state park fund; and to amend Section 9-2-107, Code of Alabama 1975, so as to provide for the continuous appropriation of certain interest to the State Park Revolving Fund.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 567 - to the Committee on Fiscal Responsibility and Accountability

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Carter:

**HB 937.** Proposing an amendment to the Constitution of Alabama of 1901, relating to Limestone County, to provide that the planning and zoning regulation of a municipality located wholly or partially in Limestone County shall not extend beyond the corporate limits of the municipality.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 937 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Wren:

**HB 172.** To amend Section 14-1-1.2 of the Code of Alabama 1975, relating to the Department of Corrections, to require the consent of the Legislature before a penal or corrections institution is leased, transferred, or placed under the management of a nongovernmental entity.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 172 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Knight (A), Curry, Gaines, Hill, Carns, and Drake:

**HB 357.** To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 357 - to the Committee on Fiscal Responsibility and Accountability

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Fuller:

**HB 107.** To provide for a FY 1996-97 supplemental appropriation in the amount of \$100,000 from the Board for Registration of Architects Fund to the Alabama Board for Registration of Architects.

GREG PAPPAS,  
Clerk.



**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 107 - to the Committee on Economic Expansion and Trade

**MOTION TO RECESS**

Senator Freeman moved that upon reaching the hour of 11:30 A.M., the Senate recess until 1 o'clock P.M., which motion was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ford:

**HJR 436.** DESIGNATING THE 1997 REGULAR LEGISLATIVE SESSION THE DAN IRELAND AND ALCAP SESSION.

WHEREAS, Dr. Dennis L. (Dan) Ireland, Executive Director of Alabama Citizens Action Program (ALCAP) has been instrumental in the movement of S. 314 and S. 316 banning partial birth abortions, and banning abortions except for medical reasons, respectively, through the Legislature, where they are pending on the House calendar; and

WHEREAS, after receiving a B.A. Degree from Samford University, a Master of Divinity Degree from New Orleans Baptist Seminary of New Orleans, and a Doctor of Divinity Degree from Samford University, Dr. Ireland held pastorates at numerous churches in Alabama; and

WHEREAS, following a 29-year career in ministry, Dan became Executive Director of ALCAP, a position in which he has touched many lives and advanced many worthy causes; and

WHEREAS, Dan has been the devoted husband of Pauline Tucker Ireland since 1952, and they are the proud parents of two children, Denise and Jeffrey; and

WHEREAS, Dan has served on numerous committees of the Ala-

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bama State Baptist Convention and other Baptist organizations, as well as contributing extensively to civic groups at the local, state, and national level; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Dr. Dan Ireland and further designate the 1997 Regular Session of the Legislature as the "Dan Ireland and ALCAP 1997 Session."

RESOLVED FURTHER, That a copy of this resolution be provided to our friend, Dan Ireland, in praise and gratitude for his efforts in passing pro-life legislation.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 436, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill, HB 1012.

Senator Bailey, B.I.R., HB 1012, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dial, Dixon, Freeman, Ghee, Hale, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Waggoner, and Windom  
-26

Nays:

- 0

**BILLS ON THIRD READING**

THE BILL:

**HB 1012.** To amend Section 40-23-62, Code of Alabama 1975, relating to exemptions from use tax, to provide that a transaction is exempt

from use tax if sales tax has been paid on the transaction by the purchaser; and to provide for a retroactive effective date.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Freeman, Ghee, Hale, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Sanders, Smith, Smitherman, Waggoner, and Windom  
-27

Nays: - 0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Knight (A), Hill, and Ford:

**HJR 435.** HONORING DRS. JOE AND SYBLE BRINDLEY FOR DISTINGUISHED SERVICE.

Also:

By Rep. Hamilton:

**HJR 437.** COMMENDING PATRICK HAPE OF KILLEN, ALABAMA, UPON HIS DISTINGUISHED FOOTBALL CAREER AND ACCOMPLISHMENTS.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Rules were suspended and the Resolutions, HJR's 435 and 437, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Rogers (J), Payne, Burke, Carns, McAdory, Houston, Townsend, Perdue, Guin, Newton (D), Jackson, Hawk, Morton, Rogers (M), Hill, Gipson, Hinshaw, Allen, Kennedy, Lindsey, Hilliard, Melton, Spratt, Starkey, Ford, Hammett, Drake, Knight (J), Flowers, Turnham, Venable, Buskey, Box, McDaniel, Morrison, Murphree, Smith, Jorgensen, Minnifield, Galliher, Graham, Dukes, Page, Morrow, Hall (L), Hall (A), McMillan, Turner, Bandy, Boyd, Crigler, Dean, Vance, Hayden, McClammy, Layson, Black (L), Baker, Millican, Laird, Dolbare, Hamilton, Gaston, Willis, Sims, Hogan, Letson, Holmes, Johnson (R), Collins, Seibenhener, and Carothers:

**HJR 439.** EXPRESSING LEGISLATIVE EXPECTATIONS CONCERNING THE ESTABLISHMENT OF A PRE-CONFERENCE SEASON BASKETBALL TOURNAMENT INVOLVING STATE DIVISION I INSTITUTIONS.

**HOUSE MESSAGE**

The Resolution, HJR 439, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Collins and Layson:

**HJR 233.** COMMENDING THE MACEDONIA FREE WILL BAPTIST CHURCH ON THE OCCASION OF ITS 150TH ANNIVERSARY.

Also:

By Rep. Wren:

**HJR 234.** COMMENDING FLETCHER H. MAJORS, JR., FOR

OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

By Rep. Morrow:

**HJR 235.** COMMENDING HERMAN LUTHER HAGOOD ON HIS 83RD BIRTHDAY.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolutions, HJR's 233, 234, and 235, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Hawk:

**HJR 279.** RECOGNIZING APRIL 11, 1997, AS NATIONAL PAY INEQUITY AWARENESS DAY, 1997.

Also:

By Rep. Turnham:

**HJR 310.** MOURNING THE DEATH OF BETTY JO BEACH GULLEDGE.

Also:

By Rep. Parker (T):

**HJR 313.** COMMENDING ANGELA B. BENTON AS RECIPIENT OF THE DISTINGUISHED YOUNG WOMAN AWARD OF THE TOMBIGBEE GIRL SCOUT COUNCIL.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolutions, HJR's 279, 310, and 313, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Parker (T):

**HJR 285.** CONGRATULATING MR. AND MRS. ANDREW HORACE PATE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Crigler:

**HJR 286.** COMMENDING CHRISTINA JOHNSTON FOR OUTSTANDING SCHOLASTIC ACHIEVEMENTS.

Also:

By Reps. Mitchell, Clark (W), Buskey, Gaston, Pringle, Dean, Crigler, McMillan, Penry, and Turner:

**HJR 287.** COMMENDING DR. JOSEPH CHRISTOPHER MITCHELL FOR DISTINGUISHED SERVICE.

Also:

By Rep. Millican:

**HJR 289.** COMMENDING EURAL GLENDON GIBBS FOR HIS OUTSTANDING SERVICE TO BRILLIANT, ALABAMA.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolutions, HJR's 285, 286, 287, and 289, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Clark (J):

**HJR 431.** MOURNING THE DEATH OF FORREST LAMAR ADAMS OF ABBEVILLE, ALABAMA.

Also:

By Rep. Hamilton:

**HJR 432.** COMMENDING COACH JERRY KELSOE OF CENTRAL HIGH SCHOOL, FLORENCE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Baker:

**HJR 434.** COMMENDING THE MEN'S BASKETBALL TEAM OF WALLACE COMMUNITY COLLEGE IN DOTHAN, ALABAMA, ON AN OUTSTANDING 1996-97 SEASON.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolutions, HJR's 431, 432, and 434, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gipson, Sims, Hinshaw, and Laird:

**HJR 358.** EXPRESSING SUPPORT FOR THE INCLUSION IN THE 1997 ALABAMA CHILD REFORM ACT PROVISIONS CONTAINING A BILL OF RIGHTS FOR VISITATION OF CHILDREN BY A NONCUSTODIAL PARENT.

WHEREAS, in the 1997 Regular Session the Legislature will consider a very broad range of mandated welfare reform legislation, including specifically the 1997 Alabama Child Support Reform Act, which will impact the rights and privileges of thousands of citizens in Alabama; and

WHEREAS, the 1997 Alabama Child Support Reform Act will allow the child support program of the Department of Human Resources to obtain access to information concerning a noncustodial parent, including, vital statistics records; tax records; title information on real and personal property; state and local government employment records, public assistance data, food stamps information, Medicaid status, corrections and law enforcement data; corporate and other business records, and professional license information; and, by subpoena, the employment records and home and business addresses from customer records of public utilities and cable TV providers; real and personal property lien information; and genetic testing for parentage results; and

WHEREAS, we should endeavor to balance the rights of a noncustodial, supporting parent with the sweeping rights of the Department of Human Resources to access the previously listed records and information; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the 1997 Alabama Child Support Reform Act include a bill of rights for visitation of children by a noncustodial parent providing support; and we hereby urge the Commissioner of the Department of Human Resources, for whom a copy of this resolution shall be provided, to implement the bill of rights in any administrative rule, regulation, or guideline of the department.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Rules were suspended and the



Resolution, HJR 358, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Joint Resolution No. 94, without the Governor's signature and approval, but with the following veto message.

Done this 29th day of April, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the  
Governor.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, Senate Joint Resolution No. 94, without my signature and approval. This Joint Resolution of the Legislature questions the abilities of the Department of Human Resources "leadership" in an unfair and factually unfounded manner. As I have stated numerous times, Martha Nachman and her staff have my full and unwavering support because they have done a good job. Further, I have sent every legislator a full report answering every false charge made against Mrs. Nachman. I have not had one response to the contents of this report. It seems clear from the contents of this resolution that many in our State and our Legislature are acting, and reacting, on hearsay and information which is "reportedly" accurate. Unfortunately, much of this information is not true, therefore, I am pleased to have this opportunity to provide facts about the accomplishments of Mrs. Nachman and her staff to you.

In just a year since assuming the Commissioner's chair, Mrs. Nachman has canceled several unnecessary and unneeded personal services

contracts, thereby saving Alabama and her taxpayers over \$250,000 — \$250,000, which, I might add, can now be used to provide additional services to the children and clients that the Department of Human Resources serves.

Although it is our goal to see that no child abuse neglect report remains unchecked, when Mrs. Nachman took office there were sixteen hundred and thirty nine (1639) cases which had not been checked within thirty days of their receipt. Mrs. Nachman's leadership and commitment to our children have cut that number by eighty six percent (86%) to two hundred and twenty one (221). We are by no means there yet, but we are moving toward a day when every child abuse and neglect report is investigated without delay.

There are many other quiet examples of Mrs. Nachman's efforts to make the system work better to protect and serve those whose voices are the smallest — our children. Neither she nor I will rest until there are no children left who need our protection.

I hereby veto Senate Joint Resolution No. 94. I hope you will take time to consider these facts and join with me in this decision.

Done this 29th day of April, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

### GOVERNOR'S MESSAGE

The Senate received the foregoing Message from His Excellency, the Governor, returning the Resolution, SJR 94, without his approval.

Senator Ghee moved that the Senate adopt the Resolution, SJR 94, the Governor's veto to the contrary notwithstanding.

**SJR 94.** COMMENDING AND SUPPORTING THE COUNTY DIRECTORS OF HUMAN RESOURCES AND THEIR STAFF.

And said Resolution, SJR 94, was again read at length and lost, for failure to receive the required vote of the majority of the whole number elected to the Senate, said vote being:

Yeas 14 Nays 9

Yeas:

Senators:

Barron, Bedford, Butler, Clay, Denton, Freeman, Ghee, Langford, Lindsey, Little, McClain, Mitchell, Smitherman, and Windom -14

Nays:

Senators:

Adams, Armistead, Dial, Dixon, Hale, Hill, Myers, Smith, and Waggoner - 9

the Governor's veto sustained.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

**HB 187.** To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Reps. Perdue, McMillan, and Turnham.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Langford, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 187, the title of which is set out in the foregoing Message from the House.

Yeas 24 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Smith, Smitherman, Waggoner, and Windom -24

Nays:

- 0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Langford, Smitherman, and Butler.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

**HB 590.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology until October 1, 2000, with certain modifications; to amend Sections 34-26-1, 34-26-2, 34-26-21, as amended by Act 96-394, 1996 Regular Session, 34-26-22, 34-26-41, as amended by Act 96-394, 1996 Regular Session, 34-26-43, 34-26-43.1, and 34-26-46, and Sections 34-26-40, 34-26-42, and 36-26-44, Code of Alabama 1975, so as to further define and regulate the practice of psychology to include practitioners known as psychological technicians; to provide further for the membership of the Board of Examiners in Psychology; to provide further for technician registration fees; and to clarify that certain psychologists working for governmental agencies and departments are exempt from licensing requirements.

said Governor's Message being in words and figures as follows, to-wit:

### **MESSAGE FROM THE GOVERNOR**

To the House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 590, without the Governor's signature and with a suggested Executive Amendment.

Done this 8th day of April, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the  
Governor.

To the House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 590, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 590:

Please amend on page 12, line 1, after the word “scientist” and before the word “employed” by inserting the following language, including a school psychologist who holds a certificate issued by the state superintendent of education,

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done this 8th day of April, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 590, by a vote of a majority of those voting, said vote being: Yeas 77, Nays 0.

And said Bill, HB 590, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE AND GOVERNOR’S MESSAGE**

Senator Bailey moved that the Senate concur in and adopt the amendment proposed by His Excellency, the Governor, to the Bill, HB 590, the title of which and said Executive Amendment are set out in the foregoing Message from the House.

On motion of Senator Poole, the Rules were suspended and further

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consideration of the Bill, HB 590, was postponed subject to the call of the Chair.

**MESSAGE FROM THE GOVERNOR**

May 1, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Farmers' Market Authority.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 1st day of May, 1997.

May 1, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Mike Reeves of Hartselle, Alabama, to serve as a member of the Farmers' Market Authority, effective April 23, 1997. The term of office will expire on April 23, 2001.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 1st day of May, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, rela-

tive to an appointment to the Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

May 1, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Farmers' Market Authority.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 1st day of May, 1997.

May 1, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Leslie Hatchett of Grand Bay, Alabama, to serve as a member of the Farmers' Market Authority, effective April 23, 1997. The term of office will expire on April 23, 2001.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 1st day of May, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, rela-

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tive to an appointment to the Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

May 1, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Farmers' Market Authority.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 1st day of May, 1997.

May 1, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, David Pearce of Browns, Alabama, to serve as a member of the Farmers' Market Authority, effective April 23, 1997. The term of office will expire on April 23, 2001.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 1st day of May, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, rela-



tive to an appointment to the Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

May 1, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Arts Education and Foreign Languages Courses of Study Committee.

Respectfully submitted,

JAMES SASSER,  
Executive Secretary.

Done this 1st day of May, 1997.

May 1, 1997

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, upon your confirmation, Susan Harwood of Gadsden, Alabama, to serve as a member of the Arts Education and Foreign Languages Courses of Study Committee, effective May 1, 1997. The term of office will expire on March 20, 1998.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

Done this 1st day of May, 1997.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, rela-

tive to an appointment to the Arts Education and Foreign Languages Courses of Study Committee, was read and referred to the Standing Committee on Confirmations.

### **UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**SB 671.** To provide that any person with two or more convictions of driving under the influence of any substance that impairs the ability of the person to safely operate a motor vehicle and who is subsequently convicted of driving under the influence of any substance that impairs their ability to safely operate a motor vehicle would pay an additional fee for reinstatement of their driver's license; and to provide for a distinctive "driving under the influence" driver's license.

and pending Amari substitute, which said substitute was offered on the Twenty-Sixth Legislative Day.

On motion of Senator Poole, the Rules were suspended and further consideration of the Bill, SB 671, was postponed subject to the call of the Chair.

### **SPECIAL ORDER**

Pursuant to the provisions of the Resolution, SR 130, the Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

**HB 389.** To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment; and to provide for recovery of amounts owed for violations.

On motion of Senator Poole, the Rules were suspended and further consideration of the Bill, HB 389, was postponed subject to the call of the Chair.

### **BUDGET ISOLATION RESOLUTION**

Senator Dixon, B.I.R., SB 560, offered.

Senator Poole moved that further consideration of the B.I.R. for

the Bill, SB 560, be indefinitely postponed.

On motion of Senator Hale, said motion to indefinitely postpone was laid on the table.

Senator Dixon, B.I.R., SB 560, adopted.

Yeas 11 Nays 3

Yeas:

Senators:

Dixon, Figures, Ghee, Langford, Lindsey, Little, McClain, Myers, Steele, Waggoner, and Windom -11

Nays:

Senators:

Adams, Hale, and Poole - 3

The President and Presiding Officer of the Senate declared a quorum present but not voting.

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 560.** To establish a separate classification of alcoholic beverage license known as a "Golf Course" license under Chapter 3A of Title 28, Code of Alabama 1975, to provide for hours of sale, and to provide for the collection of state fees.

was taken up.

Senator Langford offered the following substitute for the Bill, SB 560, to-wit:

### **SUBSTITUTE FOR SB 560**

#### **A BILL TO BE ENTITLED AN ACT**

Relating to alcoholic beverage licenses; to establish two separate classifications of alcoholic beverage licenses known as a "Golf Course" license and an "International Motor Speedway" license under Chapter 3A of Title 28, Code of Alabama 1975, to provide for hours of sale, and to provide for the collection of state fees.

On motion of Senator Poole, further consideration of the Bill, SB 560, and pending substitute, was indefinitely postponed.

Senator Poole moved that the Senate reconsider the vote by which the Bill, SB 560, was indefinitely postponed and further moved that the motion to indefinitely postpone be laid on the table. The motion to table prevailed.

## RESOLUTIONS

Senator Barron requested and received permission to suspend the Rules in order to offer the following Resolution, to-wit:

**SJR 146.** EXPRESSING OPPOSITION TO THE SALE OF THE JACKSON COUNTY HOSPITAL.

WHEREAS, the Jackson County legislative delegation of Senator Lowell Barron, Representative John Robinson, and Representative Albert Hall feels strongly that the Jackson County Hospital provides a vital community service under its current ownership and management; and

WHEREAS, the residents of the Jackson County community rely on the availability of the currently operating Jackson County Hospital; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our absolute opposition to the sale or disposal of the Jackson County Hospital by the hospital board of directors or by any other board or authority of Jackson County.

RESOLVED FURTHER, That a copy of this resolution be provided to the Board of Directors of the Jackson County Hospital and to the Jackson County Commission as an expression of our strong feelings and expectations in this matter.

On motion of Senator Barron, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon requested and received permission to suspend the Rules in order to offer the following Resolution, to-wit:

**SJR 147.** COMMENDING JAMES E. WEST, M.D., ANNISTON, ALABAMA, FOR HIS OUTSTANDING SERVICE TO THE MEDICAL PROFESSION.

WHEREAS, highest commendation is hereby accorded James E. West, M.D., for his outstanding service to the State of Alabama, to the medical profession, and to the public on a national level; and

WHEREAS, Dr. West graduated from medical school at the University of Tennessee, Memphis, in 1963, was certified as a Diplomat, American Board of Surgery in 1971, and has provided medical care to the people of Alabama through his surgical practice and hospital affiliations since that time; and

WHEREAS, his illustrious career has included positions as Chief of Staff and governing board member of Northeast Alabama Regional Medical Center; Chairman, Alabama Board of Medical Examiners; Chairman, Alabama State Committee of Public Health; Chairman, Board of Censors; and President of the Medical Association of the State of Alabama; member of the medical advisory board at the University of Alabama School of Medicine, and membership in numerous other state and national medical societies; and

WHEREAS, Dr. West's contributions, expertise, and commitment to the field of medicine have been recognized most recently through his election as the 1996-1997 President of the Federation of State Medical Boards of the United States; and

WHEREAS, James E. West has served his profession and community by giving generously of his time, resources, leadership, and support and his service has earned for him the respect and admiration of the medical profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his outstanding service to the people of Alabama, to the field of medicine, and to the public on a national level, we hereby commend James E. West, M.D., for his exemplary leadership and dedication, and direct that he receive a copy of this resolution with our sincere appreciation for his many contributions to the medical profession.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Butler requested and received permission to suspend the Rules in order to offer the following Resolution, to-wit:

**SJR 148.** COMMENDING FRANK PATTERSON TURNER III, FOR OUTSTANDING COMMUNITY SERVICE AND PROFESSIONAL ACHIEVEMENT.

WHEREAS, Frank Patterson Turner III, of Athens, Alabama, is being commended for his unparalleled record of leadership in the community, and exceptional professional achievement; and

WHEREAS, a man of integrity, and a highly regarded member of the community, Mr. Turner was President of the Athens-Limestone Chamber of Commerce and worked with the chamber for several years; he was instrumental in raising funds to build and equip the present Chamber of Commerce headquarters located on South Beaty Street; and

WHEREAS, he has earned the respect and admiration of the people of Athens as past chair of the Red Cross fund-raising drives, charter member of the Athens Country Club, one of the founding members of the Tennessee-Alabama Elk River Development Association and for serving on the Athens-Limestone Industrial Development Board; and

WHEREAS, in addition, in 1955, he organized his own private insurance agency and worked in insurance and real estate fields until his partial retirement on January 1, 1979; Mr. Turner, still to this day visits his office each morning, six days a week; and

WHEREAS, not only is he a dedicated community servant, Mr. Turner is a devoted husband to his wife Ora, dedicated father to his six children, and loving grandfather and great-grandfather; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding community service, and exceptional professional achievement, we hereby most highly commend Frank Patterson Turner III, of Athens, Alabama, and direct that he receive a copy of this resolution as a token of our gratitude and esteem.

On motion of Senator Butler, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Langford requested and received permission to suspend the Rules in order to offer the following Resolution, to-wit:

**SJR 149. COMMENDING MAGGIE J. STRINGER ON HER OUTSTANDING CAREER ACCOMPLISHMENTS.**

WHEREAS, Maggie J. Stringer, a native of Clio, Alabama, is retiring from the Montgomery County School System on June 30, 1997, thus bringing to a close a career in the field of education that spans 31 years; and

WHEREAS, the contributions of Mrs. Stringer to the education of her students have been invaluable, and she has served as a worthy role model for all educational professionals at numerous schools including principal of Highland Gardens Elementary School and Davis Elementary School; and

WHEREAS, Mrs. Stringer is presently serving with honor and distinction as principal of Forest Avenue Elementary School, where she has served since the inception of the Academic Magnet School in 1988; and

WHEREAS, an active and energetic member of numerous professional organizations, Mrs. Stringer is a member of both the National and Alabama Education Associations and Montgomery County Principals Association, as well as the Board of Officers for the Montgomery Area United Way and Camp Chandler's Advisory Board; and

WHEREAS, recipient of the prestigious 1995 YMCA's Volunteer of the Year, Mrs. Stringer has provided valuable service through her extraordinary leadership abilities with the Outdoor Education Committee, Sheridan Heights Garden Club, Old Alabama Town Historical Society, and as a respected member of Neighborhood Outreach; and

WHEREAS, the high esteem in which Maggie J. Stringer is held by her loving husband, Clarence Stringer; three sons, Michael, Ricky, and Clarence, Jr.; daughter-in-law, Jewel; grandson, Wesley; and myriad of friends and other individuals fortunate enough to know her indeed stands as a testament for others who strive for the best in personal and professional life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Maggie J. Stringer is indeed commended on her exemplary record of accomplishments in the field of education, and it is further directed that a copy of this resolution be presented to her with best wishes for every future happiness and success.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

### **BUDGET ISOLATION RESOLUTION**

Senator Bedford, B.I.R., SB 87, adopted.

Yeas 18 Nays 1

Yeas:

Senators:

Bailey, Bedford, Butler, Davidson, Denton, Dixon, Figures, Ghee, Hale,

Langford, Lindsey, Little, McClain, Mitchell, Smith, Smitherman, Waggoner, and Windom -18

Nay: Senator Clay - 1

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**SB 87.** To amend Section 36-21-10, Code of Alabama 1975, to further provide for the minimum compensation to be paid to county law enforcement officers.

Senator Bedford offered the following amendment to the Bill, SB 87, to-wit:

#### **AMENDMENT TO SB 87**

On page 2, line 1, after the word “make” delete the language “at least” and insert in lieu thereof:

~~“at least”~~

On page 2, line 2, delete the language “two thousand five hundred dollars (\$2,500) per month” and insert in lieu thereof the following:

“per month one thousand six hundred dollars (\$1,600) per month effective October 1, 1997; one thousand nine hundred dollars (\$1,900) per month effective October 1, 1998; two thousand two hundred dollars (\$2,200) per month effective October 1, 1999; and two thousand five hundred dollars (\$2,500) per month effective October 1, 2000”

On page 2, line 3, delete the language “starting salary” and insert in lieu thereof the following:

~~“starting salary”~~

### **RECESS**

The hour of 11:30 A.M. having arrived, the Senate recessed until 1 o'clock P.M.

The recess period having expired, at 1 o'clock P.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.



**FURTHER CONSIDERATION OF SB 87**

The Senate proceeded to further consideration of the Bill, SB 87. The question was on the Bedford amendment.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 146.** EXPRESSING OPPOSITION TO THE SALE OF THE JACKSON COUNTY HOSPITAL.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 554.** Relating to the District Attorney's office, Tenth Judicial Circuit, Jefferson County Birmingham Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to amend the following acts: Act No. 523, H. 121, 1975 Regular Session (Acts 1975, p. 1174); Act No. 720, H. 1038, 1987 Regular Session (Acts 1987, p. 1410); Act No. 90-542, H. 637, 1990 Regular Session (Acts 1990, p. 842); and Act No. 93-567, H. 372, 1993 Regular Session (Acts 1993, p. 946); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit are specifically amended.

GREG PAPPAS,  
Clerk.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Joint

Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

**SJR 146.** EXPRESSING OPPOSITION TO THE SALE OF THE JACKSON COUNTY HOSPITAL.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 554.** Relating to the District Attorney's office, Tenth Judicial Circuit, Jefferson County Birmingham Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to amend the following acts: Act No. 523, H. 121, 1975 Regular Session (Acts 1975, p. 1174); Act No. 720, H. 1038, 1987 Regular Session (Acts 1987, p. 1410); Act No. 90-542, H. 637, 1990 Regular Session (Acts 1990, p. 842); and Act No. 93-567, H. 372, 1993 Regular Session (Acts 1993, p. 946); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit are specifically amended.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the fore-

going Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**FURTHER CONSIDERATION OF SB 87**

The Senate proceeded to further consideration of the Bill, SB 87. The question was on the Bedford amendment.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolutions, your signature thereto is requested.

**HB 1012.** To amend Section 40-23-62, Code of Alabama 1975, relating to exemptions from use tax, to provide that a transaction is exempt from use tax if sales tax has been paid on the transaction by the purchaser; and to provide for a retroactive effective date.

Also:

**HJR 248.** COMMENDING THE REVEREND E. L. KNIGHT, PASTOR OF CEDAR GROVE BAPTIST CHURCH, ABBEVILLE, ALABAMA.

Also:

**HJR 251.** MOURNING THE DEATH OF VIRGIL W. DOBBS, JR., OF THE MT. PISGAH COMMUNITY OF DALE COUNTY, ALABAMA.

Also:

**HJR 254.** COMMENDING MATTHEW ANTON PASTOR-CICH ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

**HJR 290.** COMMENDING JOHNNY MAX RAY ON HIS OUTSTANDING ACHIEVEMENTS.

Also:

**HJR 291.** COMMENDING LIEUTENANT COLONEL JO-

SEPH J. PFANZELTER OF JACKSONVILLE, ALABAMA.

Also:

**HJR 314.** HONORING OCCUPATIONAL THERAPISTS IN ALABAMA.

Also:

**HJR 327.** RECOGNIZING GERI L. STONE FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

**HJR 364.** DESIGNATING PUBLIC POWER WEEK OCTOBER 5-11, 1997.

Also:

**HJR 365.** COMMENDING THE MCGILL-TOOLEN GIRLS VOLLEYBALL TEAM ON ITS 1996 STATE 6-A CHAMPIONSHIP.

Also:

**HJR 366.** MOURNING THE DEATH OF MARY MARGARET WILSON OF ALABASTER, ALABAMA.

Also:

**HJR 440.** MOURNING THE DEATH OF DENNIS LIPHUS BLALOCK OF CULLMAN COUNTY, ALABAMA.

Also:

**HJR 233.** COMMENDING THE MACEDONIA FREE WILL BAPTIST CHURCH ON THE OCCASION OF ITS 150TH ANNIVERSARY.

Also:

**HJR 234.** COMMENDING FLETCHER H. MAJORS, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

**HJR 235.** COMMENDING HERMAN LUTHER HAGOOD ON HIS 83RD BIRTHDAY.

Also:

**HJR 279.** RECOGNIZING APRIL 11, 1997, AS NATIONAL PAY INEQUITY AWARENESS DAY, 1997.

Also:

**HJR 285.** CONGRATULATING MR. AND MRS. ANDREW HORACE PATE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

**HJR 286.** COMMENDING CHRISTINA JOHNSTON FOR OUTSTANDING SCHOLASTIC ACHIEVEMENTS.

Also:

**HJR 287.** COMMENDING DR. JOSEPH CHRISTOPHER MITCHELL FOR DISTINGUISHED SERVICE.

Also:

**HJR 289.** COMMENDING EURAL GLENDON GIBBS FOR HIS OUTSTANDING SERVICE TO BRILLIANT, ALABAMA.

Also:

**HJR 436.** DESIGNATING THE 1997 REGULAR LEGISLATIVE SESSION THE DAN IRELAND AND ALCAP SESSION.

Also:

**HJR 249.** COMMENDING THE THEODORE HIGH SCHOOL SCOTT HI-Q ACADEMIC TEAM ON OUTSTANDING ACHIEVEMENTS.

Also:

**HJR 328.** RECOGNIZING GERI L. STONE FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

**HJR 329.** COMMENDING JANE ELLEN STRITZINGER AS RECIPIENT OF THE OUTSTANDING EDUCATOR AWARD OF THE TOMBIGBEE GIRL SCOUT COUNCIL.

Also:

**HJR 332.** 40TH ANNIVERSARY OF BALLISTIC MISSILE DEFENSE.

Also:

**HJR 333.** COMMENDING UNITED STATES SENATOR HOWELL HEFLIN ON HIS OUTSTANDING CONTRIBUTIONS AND LEADERSHIP IN CONGRESS.

Also:

**HJR 334.** COMMENDING LYNWOOD DUNCAN ON HIS OUTSTANDING CHRISTIAN SERVICE.

Also:

**HJR 335.** DESIGNATING THE UNIVERSITY OF WEST ALABAMA HIGHWAY IN SUMTER COUNTY.

Also:

**HJR 336.** DESIGNATING SCHOOL STREET IN CORDOVA THE "BLUE DEVIL WAY."

Also:

**HJR 343.** COMMENDING RONALD E. HENDERSON, M.D., AS RECIPIENT OF THE 1996 PHYSICIANS EXECUTIVE AWARD.

Also:

**HJR 344.** MOURNING THE DEATH OF WILLIE LEWIS BARNES, SR., OF LAPINE, ALABAMA.

Also:

**HJR 389.** COMMENDING CURTIS GVILLO OF MOUND-

VILLE, ALABAMA, AS CATFISH FARMER OF THE YEAR.

Also:

**HJR 390.** COMMENDING DORIS SANTOS AS 1997 SECONDARY TEACHER OF THE YEAR FOR THE GADSDEN CITY SCHOOL SYSTEM.

Also:

**HJR 391.** RECOGNIZING JUNE B. SPRINGER FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

**HJR 392.** MOURNING THE DEATH OF MR. OLIVER WASHINGTON, II, OF MOBILE, ALABAMA.

Also:

**HJR 393.** COMMENDING THE CLANTON LIONS CLUB ON ITS 50TH ANNIVERSARY.

Also:

**HJR 394.** COMMENDING DR. AND MRS. CHARLES M. CHRISTMAS, SR., FOR DEDICATED SERVICE AND LEADERSHIP TO THE CHILTON BAPTIST ASSOCIATION (MARCH 15, 1990-MARCH 31, 1997).

Also:

**HJR 396.** DESIGNATING THE MONTH OF MAY AS HEPATITIS AWARENESS MONTH AND URGING PUBLIC AWARENESS ON BEHALF OF THE DEPARTMENT OF PUBLIC HEALTH.

Also:

**HJR 403.** HONORING AND SUPPORTING THE COLONEL E. C. DOTHARD SAFETY EDUCATION MUSEUM.

Also:

**HJR 419.** NAMING THE HENRY E. HAMILTON BRIDGE ON HIGHWAY 72 OVER ELK RIVER AT THE LIMESTONE COUNTY, LAUDERDALE COUNTY LINE.

Also:

**HJR 354.** COMMENDING OFFICER JULIUS A. GAMBLIN AS RECIPIENT OF THE 1997 LEGISLATIVE MEDAL OF HONOR FOR LAW ENFORCEMENT OFFICERS.

Also:

**HJR 355.** COMMENDING ROGER MURRAH ON HIS OUTSTANDING PROFESSIONAL CAREER.

Also:

**HJR 360.** COMMENDING THE ALABAMA STATE UNIVERSITY HONDA CAMPUS ALL-STAR CHALLENGE TEAM FOR WINNING THE 1997 NATIONAL ALL-STAR CHALLENGE BOWL.

Also:

**HJR 361.** COMMENDING CANTERBURY HIGH SCHOOL OF MONTGOMERY, ALABAMA.

Also:

**HJR 363.** DEPARTMENT OF PUBLIC SAFETY URGED TO STUDY FEASIBILITY OF LOWERING THE SPEED LIMIT TO 55 MPH ON HIGHWAY 72 FROM ATHENS TO ROGERSVILLE.

Also:

**HJR 367.** COMMENDING WILLIAM WOODROW CARTER AS RECIPIENT OF THE 1997 ALABAMA SMALL BUSINESS PERSON OF THE YEAR AWARD.

Also:

**HJR 368.** COMMENDING THE GADSDEN REGIONAL MEDICAL CENTER AND ITS STAFF.

Also:

**HJR 371.** COMMENDING REPRESENTATIVE TOM DRAKE AS RECIPIENT OF THE IRON MIKE MAZURKI AWARD.

Also:



**HJR 387.** COMMENDING JIM WALTER HOMES, INCORPORATED, AND WALTER INDUSTRIES, INCORPORATED.

Also:

**HJR 310.** MOURNING THE DEATH OF BETTY JO BEACH GULLEDGE.

Also:

**HJR 313.** COMMENDING ANGELA B. BENTON AS RECIPIENT OF THE DISTINGUISHED YOUNG WOMAN AWARD OF THE TOMBIGBEE GIRL SCOUT COUNCIL.

Also:

**HJR 358.** EXPRESSING SUPPORT FOR THE INCLUSION IN THE 1997 ALABAMA CHILD REFORM ACT PROVISIONS CONTAINING A BILL OF RIGHTS FOR VISITATION OF CHILDREN BY A NONCUSTODIAL PARENT.

Also:

**HJR 431.** MOURNING THE DEATH OF FORREST LAMAR ADAMS OF ABBEVILLE, ALABAMA.

Also:

**HJR 432.** COMMENDING COACH JERRY KELSOE OF CENTRAL HIGH SCHOOL, FLORENCE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 434.** COMMENDING THE MEN'S BASKETBALL TEAM OF WALLACE COMMUNITY COLLEGE IN DOTHAN, ALABAMA, ON AN OUTSTANDING 1996-97 SEASON.

Also:

**HJR 435.** HONORING DRS. JOE AND SYBLE BRINDLEY FOR DISTINGUISHED SERVICE.

Also:

**HJR 437.** COMMENDING PATRICK HAPE OF KILLEN, ALABAMA, UPON HIS DISTINGUISHED FOOTBALL CAREER AND ACCOMPLISHMENTS.

Also:

**HJR 369.** COMMEMORATING THE LIFETIME ACHIEVEMENT OF THE LATE JOHN D. CHICHESTER OF BIRMINGHAM, ALABAMA.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS AND RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **FURTHER CONSIDERATION OF SB 87**

The Senate proceeded to further consideration of the Bill, SB 87. The question was on the Bedford amendment.

### **RECESSES**

At 3 o'clock P.M., on motion of Senator Dial, the Senate took a recess until 4:30 P.M.

Yeas 24 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -24

Nays:

- 0

The recess period having expired, at 4:30 P.M., the Senate was called to order by Senator Pat Lindsey, Chairperson of the Standing Committee on Rules presiding, pursuant to Senate Rules 1(c) and 48 (1). A quorum of the Senate was present.

At 4:31 P.M., on motion of Senator Dial, the Senate took a recess until 6 o'clock P.M.

The recess period having expired, at 6 o'clock P.M., the Senate was called to order by Senator Pat Lindsey, Chairperson of the Standing Committee on Rules presiding, pursuant to Senate Rules 1(c) and 48(1). A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 643.** To amend Section 16-11-3.1, Code of Alabama 1975, relating to the appointment of city boards of education in Class 5 municipalities, to specify when the members of the board would take office.

GREG PAPPAS,  
Clerk.

### FURTHER CONSIDERATION OF SB 87

The Senate proceeded to further consideration of the Bill, SB 87. The question was on the Bedford amendment.

On motion of Senator Dial, the Rules were suspended and further consideration of the Bill, SB 87, was postponed subject to the call of the Chair.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed (With Notice and Proof):

**HB 1048.** Relating to Macon County; to amend Section 15 of Act 83-575, 1983 Regular Session, as amended, relating to the Macon County Racing Commission; to further provide for the distribution of the net proceeds of fees, commissions, taxes, and other monies received by the Macon County Racing Commission from the operation of the racetrack.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 1048, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. McMillan, White, Warren, and Penry (With Notice and Proof):

**HB 1089.** Relating to Baldwin County; authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1089, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1048 and 1089 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Vance (With Notice and Proof):

**HB 1086.** Relating to the City of Phenix City, Alabama, to repeal conflicting provisions of Act 13, 1947 Regular Session, as amended, relat-

ing to the firemen's and policemen's pension and relief fund, upon acceptance of the fund as a city unit member under the Employees' Retirement System.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1086, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Warren (With Notice and Proof):

**HB 1098.** Relating to Conecuh County; authorizing the county commission to impose an excise tax on persons, corporations, partnerships, companies, agencies, associations, trusts, estates, and other entities engaged in the business of selling, distributing, storing, or withdrawing from storage, gasoline and motor fuel in Conecuh County in an amount not to exceed three cents (\$0.03) per gallon; to provide for the collection and payment of the taxes and to provide for the distribution of the funds derived therefrom; to authorize the county commission to make rules and regulations for the collection of the tax; to provide for the enforcement of this act; to fix the penalty for the violation of this act; and to provide for a referendum on this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1098, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Warren and Jackson (With Notice and Proof):

**HB 1100.** Relating to Conecuh County; amending Act 88-621, H. 736 of the 1988 Regular Session (Acts 1988, p. 971), relating to the size of containers for beer or ale sold in the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1100, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1086, 1098, and 1100 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hayden:

**HB 1083.** To amend Section 9-11-91.1, Code of Alabama 1975, relating to unauthorized fishing from a fish farm without the consent of the owner, to make fishing from certain public roads or public rights-of-way located within a certain distance of a commercial fish pond unlawful; and to provide for penalties.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1083 - to the Committee on Conservation, Environment, and Natural Resources

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Newton (D):

**HJR 412.** ADOPTING AND AMENDING THE REPORT OF

THE JUDICIAL COMPENSATION COMMISSION TO THE 1997  
REGULAR SESSION OF THE LEGISLATURE OF ALABAMA.

WHEREAS, the report of the Judicial Compensation Commission has been duly filed with the Legislature within the first five days of this, the 1997 Regular Session of the Legislature of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Commission, made to the 1997 Regular Session of the Legislature of Alabama, is hereby adopted and confirmed in accordance with Amendments 328 and 426 of the Constitution of the State of Alabama of 1901, after being altered and amended as follows:

On October 1, 1997, the salary of circuit judges paid from the State Treasury shall be increased by the same amount or percentage increase provided state employees generally in the 1997 Regular Session of the Legislature of Alabama. The salary of Supreme Court Justices, judges of the appellate courts, and district judges shall be adjusted correspondingly as provided by Act 111 of the 1990 Regular Session of the Legislature of Alabama.

On October 1, 1998, the salary of circuit judges, paid from the State Treasury, shall be increased by 10.82 percent and the salary of Supreme Court Justices, judges of the appellate courts, and district judges shall be adjusted correspondingly as provided by Act 111 adopted at the 1990 Regular Session of the Legislature of Alabama.

On October 1, 1999, the salary of circuit judges, paid from the State Treasury, shall be increased by 9.77 percent and the salary of the Supreme Court Justices, judges of the appellate courts, and district judges shall be adjusted correspondingly as provided by Act 111 adopted at the 1990 Regular Session of the Legislature of Alabama.

On October 1, 2000, the salary of the circuit judges, paid from the State Treasury, shall be increased by 8.90 percent and the salary of Supreme Court Justices, judges of the appellate courts, and district judges shall be adjusted correspondingly as provided by Act 111 adopted at the 1990 Regular Session of the Legislature of Alabama.

On or after October 1, 2001, after the implementation of these salary increases, the salaries of the circuit judges paid from the State Treasury shall be fixed at \$1,000 above the maximum amount authorized for attorneys in the classified service of the state as Attorney IV, as recommended by the Judicial Compensation Commission, and the salary of Supreme Court

Justices, judges of the appellate courts, and district judges shall be adjusted correspondingly as provided by Act 111 adopted at the 1990 Regular Session of the Legislature of Alabama.

The state salary increases provided by this resolution shall not be used to increase local supplements paid to circuit or district judges in any county.

No state judge or justice shall receive a cost-of-living raise during Fiscal Years 1998-1999, 1999-2000, or 2000-2001 other than an increase provided pursuant to this act and Act 111 of the 1990 Regular Session.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Windom, the Rules were suspended and the Resolution, HJR 412, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Knight (J):

**HB 404.** To designate U. S. Highway 80 from Selma to Montgomery as the "International Voting Rights Trail"; and to create the International Voting Rights Trail Commission and provide for its membership and duties.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 404 - to the Committee on Finance and Taxation Education



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Papucci, Hinshaw, and Jorgensen:

**HB 445.** To amend Section 32-6-133, Code of Alabama 1975, to further provide for the design of distinctive motor vehicle tags for disabled veterans.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 445 - to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Reed and Bandy (With Notice and Proof):

**HB 1101.** Relating to Macon County; authorizing the levy, collection, and distribution of an occupational privilege license fee and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1101, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1101 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Sanderford, McDaniel, Vance, Papucci, Allen, Jorgensen, Gaston, McMillan, McKee, Hawk, and Starkey:

**HB 957.** Relating to assisted living administrators, to require the licensing of assisted living administrators; to establish a board of examiners for assisted living administrators and provide for the appointment of board members and their duties and functions; to provide for the review of board decisions and authorize the board to receive and expend funds; to create a board fund; to provide for the governing body of the Alabama Association of Assisted Living Facilities to serve as an advisory council to the board; to establish procedures for examination, licensing, and reciprocity of licenses for assisted living administrators; to require continuing education for assisted living administrators; to authorize the board to conduct disciplinary proceedings, impose fines, and revoke and suspend licenses; to provide for an appropriation for the fiscal year ending September 30, 1998; and to prescribe penalties for violations of this act.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 957 - to the Committee on Health and Human Resources

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Rogers (M):

**HB 467.** To amend Sections 16-33C-6, 16-33C-8 and 40-18-19 of the Code of Alabama 1975, to provide further for the tax status and dissolution procedure for the Prepaid Affordable College Tuition program.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 467 - to the Committee on Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Clark (W):

**HB 1046.** To amend Sections 9-16-2, 9-16-4, and 9-16-8, Code of Alabama 1975, relating to surface mining; to increase the amount of surety required to secure the obligation to reclaim areas affected by surface mining and to further provide for certain exemptions to the permit and surety requirements.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1046 - to the Committee on Commerce, Transportation, and Utilities

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Galliher and Ford:

**HB 636.** To exempt awards of severance pay or income from a supplemental income plan as a result of termination of employment from state, county, or municipal income tax.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 636 - to the Committee on Economic Expansion and Trade

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Flowers:

**HB 886.** Relating to the control and regulation of development of certain health care facilities through the certificate of need process; to amend Section 22-21-270 and Section 22-21-275 of the Code of Alabama

1975, to further provide for the certificate of need process and the review procedures by the State Health Planning and Development Agency.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 886 - to the Committee on Health and Human Resources

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Payne, Perdue, Hammett, Newton (D), Turner, Drake, Johnson (E), Holmes, Rogers (J), Burke, Sanderson, Black (M), and Haney:

**HB 657.** To amend Section 34-21-2, Code of Alabama 1975, to increase the membership on the Alabama Board of Nursing and to provide for the appointment of a consumer member.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 657 - to the Committee on Health and Human Resources

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills

and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (With Notice and Proof):

**HB 1095.** Relating to Mobile County; to exempt any person over the age of 65 years from the boating launch fee for Big Creek Lake.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1095, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

**HB 1096.** Relating to Mobile County; to amend Section V of Act 470, H. 952, 1939 Regular Session (Local Acts 1939, p. 298), as further amended by Act 167, H. 231, 1955 Regular Session (Local Acts 1955, p. 431); Act 684, H. 594, 1976 Regular Session (Acts 1976, p. 939); and Act 86-479, H. 629, 1986 Regular Session (Acts 1986, p. 910), relating to the establishment of a countywide civil service system; to add the Treasurer of Mobile County to the Supervisory Committee of the Mobile County Personnel Board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1096, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### **HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1095 and 1096 - to the Committee on Local Legislation No. 3

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 5.** Relating to motor vehicle distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Masons, the Scottish Rite, or the Eastern Star; for emergency medical technicians; and for supporters of the Boy Scouts or Girl Scouts; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy and Hall (L):

**HB 858.** To provide for distinctive motor vehicle license plates for supporters of the Sistas Can Survive Coalition; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 858 - to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Reps. Galliher, Ford, Rogers (M), Gipson, Hall (L), Graham, Black (M), Burke, Clouse, and Gaston:

**HB 562.** Relating to grandparent visitation; to provide further for the right of a grandparent to petition for visitation of grandchildren; and to repeal Section 30-3-4, Code of Alabama 1975.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 562 - to the Committee on Governmental Affairs

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 643.** To amend Section 16-11-3.1, Code of Alabama 1975, relating to the appointment of city boards of education in Class 5 municipalities, to specify when the members of the board would take office.

PAT LINDSEY,  
Chairperson.

### SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Knight (A), Moore, Morrison, Murphree, Sanderson, Hinshaw, Rogers (J), Jorgensen, Houston, Penry, Hill, Lindsey, Hilliard, Galliher, Burke, Millican, Hooper, and Haney:

**HB 823.** To enact the Uniform Conservation Easement Act, providing for the creation, enforcement, modification, duration, and termination of conservation easements on real property for conservation, recreational, and other related purposes.

Also:

By Reps. Knight (A), Smith, Morrison, Jorgensen, Hill, and Curry:

**HB 840.** To provide for distinctive motor vehicle license plates for the supporters of the Citizenship Trust; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 823 - to the Committee on Conservation, Environment, and Natural Resources

HB 840 - to the Committee on Governmental Affairs

**FURTHER CONSIDERATION OF HJR 412**

The Senate proceeded to further consideration of the Resolution, HJR 412.

Senator Dixon moved that the Senate reconsider the vote by which

the Resolution, HJR 412, was concurred in and adopted.

On motion of Senator Bedford, said motion to reconsider be laid on the table.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Willis:

**HB 724.** To amend Sections 32-6-192 and 32-6-195 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; to provide that a distinctive license tag or plate may be issue to the wife or widow of a member of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America or to any person who holds a membership courtesy card validated by any shiner organization; and to provide for the return of the distinctive license tag or plate; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to allow spouses of the educators to purchase the distinctive license tags or plates.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 724 - to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Seibenhener:

**HB 1081.** To provide a penalty for any person who resides in or

owns property in an unincorporated area of a communications district who fails to identify his or her property as required by the board of commissioners of the district.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1081 - to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith and Lindsey:

**HB 1052.** To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of the production, marketing, use, and sale of ratites and ratite products; to provide a means by which members of the ratite industry may organize and by referendum levy upon themselves assessments for the purpose of financing promotional programs; to provide a means of collecting, disbursing, and expending any assessments; to provide for the refund of assessments; and to provide for the promulgation of rules and procedures.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1052 - to the Committee on Agriculture and Forestry

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. McKee, Wren, Allen, Carns, Hooper, Townsend, and Clouse:

**HB 290.** To amend Section 41-16-120 of the Code of Alabama 1975, to provide further for the distribution, transfer, or disposal of certain surplus state personal property.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 290 - to the Committee on Fiscal Responsibility and Accountability

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Thomas (J):

**HB 716.** To amend Section 36-27-48.1 of the Code of Alabama 1975, to provide further for purchase of service credit in the Employees' Retirement System for service for which a position was excluded from participation in the system.

Also:

By Reps. Smith and Lindsey:

**HB 1051.** Relating to the promotion of the production, market-

ing, use, and sale of ratites and ratite products; to provide a means by which members of the ratite industry may organize and by referendum levy upon themselves assessments for the purpose of financing promotional programs; to provide a means of collecting, disbursing, and expending any assessments; to provide for the promulgation of rules and procedures; and to prescribe penalties for violations of this act.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 716 - to the Committee on Fiscal Responsibility and Accountability

HB 1051 - to the Committee on Agriculture and Forestry

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Jackson, Dolbare, Vance, Gaston, and Turner:

**HB 465.** To provide for distinctive motor vehicle license plates for members of the Kiwanis International; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 465 - to the Committee on Governmental Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Kennedy (With Notice and Proof):

**HB 637.** Relating to Mobile County; to amend Section 1 of Act 91-368, 1991 Regular Session, relating to annual supplemental salary of the revenue commissioner, to alter the monetary amount.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 637, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 637 - to the Committee on Local Legislation No. 3

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turner (With Notice and Proof):

**HB 1094.** Relating to Mobile County; to provide that on and after the effective date of this act, the Treasurer of Mobile County shall be entitled to an automobile expense allowance as reimbursement for the official use of a personal vehicle and the fuel, oil, and repairs of the vehicle in conducting official duties.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 1094, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1094 - to the Committee on Local Legislation No. 3

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turner (With Notice and Proof):

**HB 1043.** Relating to Mobile County; to amend Section 1 of Act 91-370, 1991 Regular Session as amended, relating to annual supplemental salary of the license commissioner, to alter the monetary amount.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1043, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1043 - to the Committee on Local Legislation No. 3

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Moore:

**HB 736.** To exempt Helping Hands of Enterprise, Alabama, Incorporated, from the payment of all state, county, and municipal sales and use taxes.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 736 - to the Committee on Fiscal Responsibility and Accountability

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (R):

**HB 680.** Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the



certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1997, and September 30, 1998, and providing for a prospective effective date.

Also:

By Reps. Millican, Collins, Johnson (R), Dolbare, Dean, Turner, Rogers (M), Hill, Gaines, Thomas (D), Spratt, Boyd, Galliher, Payne, Lindsey, Hinshaw, Rogers (J), Hooper, Newton (D), Perdue, Willis, Guin, Minnifield, Carothers, and Wren:

**HB 738.** To amend Section 36-26-35, Code of Alabama 1975, relating to the accrual of annual leave by state employees, to provide further for the leave accrued by law enforcement officers in the Department of Public Safety.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 680 - to the Committee on Health and Human Resources

HB 738 - to the Committee on Governmental Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey (With Notice and Proof):

**HB 1105.** Relating to Cherokee County; levying a lodging tax and providing for the distribution of the proceeds from the tax.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 1105, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1105 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gaston and Clouse:

**HB 852.** Relating to the Board of Dental Examiners; to amend Sections 34-9-15, 34-9-19, and 34-9-28, Code of Alabama 1975, so as to increase the penalty fee for the reinstatement of a license to practice dentistry after the automatic suspension of the license; to clarify advertising requirements; to increase the penalty fee for reinstatement of a license to practice as a dental hygienist after the automatic suspension of the license; to regulate services and advertisements relating to dental referral services; and to provide certain administrative disciplinary actions for violations.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 852 - to the Committee on Health and Human Resources

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 447.** Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to provide requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and other persons with obligations to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; to provide an aggrieved party a hearing process and restitution; and to provide for an appropriation to the State Insurance Department from the Service Contract Revolving Fund for the fiscal year ending September 30, 1998.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 574.** Requiring legislative review and oversight of actions of the Ozone Transport Assessment Group initiated by the United States Environmental Protection Agency; requiring public hearings and legislative review of any proposed state actions related to the atmospheric transport of ozone, including draft and final state implementation plans to be submitted to the U. S. Environmental Protection Agency; and requiring prior legislative approval of and prohibiting the submission of state implementation plans under certain circumstances.

GREG PAPPAS,  
Clerk.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 5.** Relating to motor vehicle distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Masons, the Scottish Rite, or the Eastern Star; for emergency medical technicians; and for supporters of the Boy Scouts or Girl Scouts; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

PAT LINDSEY,  
Chairperson.

## SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Box:

**HB 799.** To amend Sections 12-16-44, 12-16-57, 12-16-60, 12-16-63, 12-16-64, 12-16-70, 12-16-72, 12-16-76, 12-16-78, 12-16-81, 12-16-83, 12-16-85, and 12-16-86, Code of Alabama 1975, relating to jury selection; so as to provide for the creation of a master jury list in each county or territorial subdivision as required by law and the elimination of jury commissions; to authorize the presiding circuit court judge to select the source lists for compiling a master jury list for the circuit and the Administrative Office of Courts to update the list; to provide further for method of

determining the qualifications of jurors; to provide further for the excusal of prospective jurors and the frequency of service; to provide for the maintenance of records relating to jury summoning and qualifying; to delete references to the drawing of names from a jury box and jury commissions; and to repeal Sections 12-16-30 to 12-16-38, inclusive, 12-16-40, 12-16-45 to 12-16-51, inclusive, 12-16-58 to 12-16-59, inclusive, 12-16-61, and 12-16-145, Code of Alabama 1975.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 799 - to the Committee on Economic Expansion and Trade

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Penry:

**HB 329.** To provide immunity from civil liability to medical professionals who volunteer their services at free medical clinics without compensation; to require the posting of a notice at the free medical clinic advising patrons of the immunity; to provide that acceptance by a free medical clinic of a contribution made by a person receiving services at the clinic does not constitute a waiver of the immunity; and to provide that an established act or omission of a volunteer medical professional shall be the responsibility of the free medical clinic under the doctrine of "respondeat superior."

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 329 - to the Committee on Judiciary

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (W) (With Notice and Proof):

**HB 995.** Relating to Mobile County; to provide additional compensation for the members of the Mobile County Board of School Commissioners.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 995, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Vance (With Notice and Proof):

**HB 1036.** Relating to Russell County; to establish a county commission; and to provide for the election of the members of the commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1036, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 995 - to the Committee on Local Legislation No. 3

HB 1036 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (C) (With Notice and Proof):

**HB 1097.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Greenville in Butler County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1097, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Parker (T) (With Notice and Proof):

**HB 1102.** Relating to Tuscaloosa County; providing for an advisory referendum on the status of the unincorporated community of Holt.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1102, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

**HB 1106.** To alter, rearrange, and extend the boundary lines and

corporate limits of the municipality of Eclectic in Elmore County; and to further provide for the police jurisdiction of the municipality.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1106, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 1097, 1102, and 1106 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Galliher:

**HB 1041.** Proposing an amendment to the Constitution of Alabama of 1901, relating to St. Clair County, authorizing the St. Clair County Commission to levy an additional ad valorem tax for fire protection and emergency medical services.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1041 - to the Committee on Local Legislation No. 1



(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hayden:

**HB 362.** To provide for funding and payment of certain cost-of-living adjustments for retirees, surviving spouses, and designated beneficiaries of certain local public and quasi-public hospital corporations participating or formerly participating in the Employees' Retirement System.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 362 - to the Committee on Fiscal Responsibility and Accountability

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Jackson (With Notice and Proof):

**HB 1107.** Providing for the election of the board of education of the City of Thomasville; providing that the members of the board shall be elected from districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within the city under certain conditions; providing for financial audits of the records of the board; and providing that

this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Thomasville.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1107, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1107 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Burke:

**HB 917.** To amend Section 40-23-1, as amended by Act 96-887, and Section 40-23-60, Code of Alabama 1975, relating to the sales and use taxes, to clarify the definition of certain property that is excluded from the sales tax and the use tax as sales at wholesale, to make the definitions of such property the same in the use tax as in the sales tax, and to provide for a retroactive effect.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 917 - to the Committee on Fiscal Responsibility and Accountability

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Payne:

**HJR 459.** COMMENDING BARBARA SNIDER OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 459, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carns:

**HJR 452.** COMMENDING THE CITY OF JERUSALEM ON THE 30TH ANNIVERSARY OF ITS REUNIFICATION.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Rules were suspended and the

Resolution, HJR 452, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### **BUDGET ISOLATION RESOLUTION**

Senator Clay requested and received permission to suspend the Rules in order to bring up the Bill, SB 449.

Senator Clay, B.I.R., SB 449, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 449.** To make a supplemental appropriation from the General Fund in the State Treasury to the Military Department, in the amount of \$560,000 for the fiscal year ending September 30, 1997.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays:

- 0

On motion of Senator Clay, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 449.

**RESOLUTIONS**

Senator Denton requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 150. INCREASING THE MEMBERSHIP OF THE HIGHER EDUCATION FUNDING ADVISORY COMMISSION.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the membership of the Higher Education Funding Advisory Commission, created by Act 96-375, S.J.R. 32, 1996 Regular Session, shall be increased to 17 members and shall be composed as follows: Two representatives of the state's regional universities, three representatives of the state's two-year colleges (one of whom shall be black), and one representative from each of the following institutions: Auburn University, Jacksonville State University, the University of Alabama System, the University of North Alabama, the University of South Alabama, the University of West Alabama, Troy State University System, University of Montevallo, Athens State College, Alabama State University, Alabama A & M University, and the Alabama Commission on Higher Education.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Barron, Mitchem, Amari, Sanders, Dial, Waggoner, Adams, Davidson, Dixon, Lipscomb, Hale, Smith, Myers, Roberts, Biddle, Clay, Ghee, and Steele requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution.

**SJR 151. URGING MR. MELVIN COOPER TO WITHDRAW HIS OBJECTION TO REVEREND JOHN NETTLES SERVING ON THE PARDONS AND PAROLES BOARD DURING THE HEARING ON FORMER GOVERNOR GUY HUNT'S REQUEST FOR A PARDON.**

WHEREAS, The Reverend John Nettles has served with competence and dignity on the State Pardons and Paroles Board since 1989; and

WHEREAS, Mr. Melvin Cooper, the former Director of the State Ethics Commission, has questioned the integrity of the Reverend Nettles by requesting that the Reverend remove himself from the Pardons and Paroles Board during a hearing on a request for a pardon by former Governor Guy Hunt by suggesting that the Reverend Nettles could not render an unbiased decision on the pardon request because he was appointed to the board by former Governor Guy Hunt; and

WHEREAS, the Reverend Nettles has served with honor and distinction as the Chair of the Pardons and Paroles Board since 1993, and has earned the respect and admiration of his fellow board members and other professionals in the corrections industry and legal community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge and implore Mr. Melvin Cooper to withdraw his request for the Reverend John Nettles to recuse himself from serving on the State Pardons and Paroles Board during a scheduled hearing on a request for a pardon by former Governor Guy Hunt.

RESOLVED FURTHER, That a copy of this resolution shall be sent to Mr. Melvin Cooper, the members of the State Pardons and Paroles Board, and former Governor Guy Hunt.

On motion of Senator Barron, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hill:

**HB 374.** Relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code; to repeal the current Article 5 (commencing with Section 7-5-101) and replace it with a new Article 5 regarding letters of credit; and to provide for the following regarding letters of credit: A short title; definitions of terms; scope of Article 5; formal requirements for letter of credit documents; to state that consideration is not required for letter of credit documents; the issuance, amendment, cancellation, and duration of letters of credit; the obligations of a confirmer, nominated person, and adviser; issuer's rights and obligations; fraud and forgery as it relates to the beneficiary, issuer, or applicant; warranties; remedies for the beneficiary, successor, or nominated person for breaches of obligations of a letter of credit; transfer of a letter of credit; transfer by operation of law; assignment of proceeds of a letter of credit; statute of limitations to enforce a right or obligation under Article 5; choice of law and forum; subrogation of issuer, applicant, and nominated person; prospective applicability of the article; a savings clause for transactions of letters of credit occurring prior to

the effective date of this act; and to amend the following sections of Title 7: Section 7-1-105 to provide for territorial application of Title 5 and the power of parties to choose applicable law; Section 7-2-512 to conform a reference to the new Article 5; Section 7-9-103 relating to perfection of security interests in multiple state transactions; Section 7-9-104 to exclude the application of Article 9 to a transfer of a letter of credit other than rights to proceeds; Section 7-9-105 to add references to definitions of "letter of credit" and "proceeds of a letter of credit" to Article 9; Section 7-9-106 to further define "account" and "general intangibles" to include rights to proceeds of letters of credit; Sections 7-9-304 and 7-9-305 to specify perfection of a security interest in proceeds of a letter of credit by filing and by taking possession; and to provide a prospective effective date of January 1, 1998.

Also:

By Rep. Hill:

**HB 569.** To amend Section 5-3A-1 of the Code of Alabama 1975, relating to the duties of the Superintendent of the State Banking Department concerning banks organized under the laws of this state, to further provide for the time period for examinations of the banks.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 374 and 569 - to the Committee on Banking and Insurance

### RESOLUTION

Senator Ghee requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

**SR 152.** URGING THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE WESTINGHOUSE CORPORATION TO USE SKILLED ALABAMA BUILDING AND CONSTRUCTION TRADE MEMBERS TO CONSTRUCT NERVE GAS INCINERATOR AT AN-NISTON ARMY DEPOT.

WHEREAS, the citizens of Calhoun County and the surrounding

area deserve the highest quality and most safely constructed nerve gas incinerator possible; and

WHEREAS, the Federal Government has provided through prevailing wages on the project that the highest skilled Alabama labor available may be used to construct this facility; and

WHEREAS, an influx of unnecessary out-of-state workers imposes an undue burden on schools, hospitals, public works, and other facilities in Calhoun County and surrounding counties; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we hereby urge and encourage the United States Army Corps of Engineers and the Westinghouse Corporation to employ highly skilled Alabama building and construction trades members, who have made quality construction work their livelihood, to construct this controversial, potentially dangerous, and environmentally sensitive incinerator at the Anniston Army Depot.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the United States Corps of Engineers, so that our sentiments concerning this critical issue may be known.

On motion of Senator Ghee, the Resolution was adopted by the Senate.

### REPORTS OF COMMITTEES

Senator Amari, Chairperson of the Standing Committee on Business and Labor, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Hill, Hale, Dixon, Davidson, and Amari (With Substitute):

**SB 718.** To amend the Alabama Rules of Judicial Administration to provide for the exercise of peremptory challenges of judges by parties to civil or criminal actions pending in circuit court, to provide for the manner of exercising peremptory challenges, to provide that parties exercising peremptory challenges in civil actions must pay a fee of \$100 which will be deposited in the State General Fund, to provide a procedure for reassigning actions after a party has exercised a peremptory challenge, to fix the time within which peremptory challenges must be exercised, to prohibit actions intended to influence the identity of the judge to whom the



action will be reassigned, and to provide for the construction of this act to sustain its constitutionality.

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Burke (With Substitute):

**HB 1072.** To make an appropriation of \$400,000 from the State General Fund in the State Treasury to the City of Rainsville for damages caused by tornadoes for the fiscal year ending September 30, 1997.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Notice and Proof):

**SB 642.** Relating to Dale County; providing that the offices of judge of probate or revenue commissioner shall be reimbursed for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing the funds shall be payable from the general fund of the county.

By Senator Langford (By Request) (With Notice and Proof):

**SB 719.** Relating to the City of Anniston, Calhoun County, to amend further Section 5 of Act 79-157, 1979 Regular Session (Acts 1979, p. 256), as last amended by Act 93-552, 1993 Regular Session (Acts 1993, p. 907), to provide for the employment of investment counselors and agents to invest and manage portions of the policemen's and firemen's retirement fund.

By Rep. Moore:

**HB 479.** Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coffee County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Fuller and Laird (With Notice and Proof):

**HB 628.** Relating to Chambers County; to provide the collection and disposition of a special recording fee in the office of the judge of probate.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Rogers (M) (With Notice and Proof) (With Amendment):

**HB 685.** To alter and rearrange the boundary lines and corporate limits of the municipality of Anniston in Calhoun County to remove certain property from the corporate limits of the municipality.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Clouse (With Notice and Proof):

**HB 832.** To provide for law enforcement powers for community corrections officers employed in the Houston County Work Release and Pretrial Release Program.

By Reps. Clouse, Seibenhener, Carothers, and Baker (With Notice and Proof):

**HB 870.** Relating to the City of Dothan in Houston County; to amend Section 2 of Act 543, H. 1252 of the 1977 Regular Session (Acts 1977, p. 711), providing for membership in the City of Dothan Pension and Retirement System, to provide for optional membership in the system for the city manager and the city attorneys; and to amend and reenact Section 4 of Act 91-487, H. 622 of the 1991 Regular Session (Acts 1991, p. 878), to provide further for the authorized investments of the pension board.

By Rep. Reed (With Notice and Proof):

**HB 875.** Relating to Macon County; to provide for the levy of a

severance fee on clay, sand, or gravel, mined within the county; to provide for permit fees; and to provide for the disposition of the proceeds from the fees.

By Rep. Hill (With Notice and Proof):

**HB 904.** Relating to Shelby County; providing for the compensation of the Judge of Probate of Shelby County.

By Rep. Reed (With Notice and Proof):

**HB 913.** Relating to Bullock County, increasing the pistol permit fee that the sheriff is required to charge, providing for the distribution of these funds, and repealing Act No. 85-897, H. 149, 1985 Second Special Session.

By Rep. Burke (With Notice and Proof):

**HB 916.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Pine Ridge in DeKalb County.

By Rep. Melton (With Notice and Proof):

**HB 922.** Relating to the City of Tuscaloosa; providing for a referendum election on the question of the election of the city board of education by the qualified electors of the city; upon approval at the referendum election, providing for the election and operation of the board of education for the City of Tuscaloosa; providing that certain members of the board shall be elected from defined districts; providing for the election of the chair from the city at-large; providing for the operation of the board; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing certain transitional provisions; and providing for a conditional effective date.

By Reps. Clouse, Baker, and Flowers (With Notice and Proof):

**HB 924.** Relating to Dale County; providing that the offices of judge of probate or revenue commissioner shall be reimbursed for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing the funds shall be payable from the general fund of the county.

By Rep. Seibenhener (With Notice and Proof):

**HB 950.** Relating to Geneva County; prescribing the salary of the sheriff.

By Rep. Seibenhener (With Notice and Proof):

**HB 951.** Relating to Geneva County; providing a referendum on the question of making the duties of the chair of the county commission into a full-time position and separate from the office of judge of probate; to provide for compensation and an effective date.

By Reps. McDaniel and Hawk (With Notice and Proof):

**HB 971.** Relating to Marshall County; to provide that the county commissioners may, under certain conditions, authorize county personnel to perform work in private or public cemeteries, including opening graves for interment of human bodies, repairing and maintaining existing roads, building roads, and other related labor in private or public cemeteries, including any cemetery authority owned, governed, controlled, or operated by any church or religious society or denomination, religious corporation, church, or corporation sole and also on school bus turn-arounds.

By Reps. Clouse and Baker (With Notice and Proof):

**HB 973.** Relating to Dale County; to provide for a procedure for optional renewal by mail of motor vehicle licenses and tags, boat licenses, and manufactured home licenses; and to authorize a fee for mail order services.

By Rep. Turnham (With Notice and Proof):

**HB 978.** To authorize an additional county salary supplement for the district judges of Lee County, and to provide that the provisions of this act shall be effective October 1, 1997.

By Reps. Jorgensen, Haney, and Sanderford (With Notice and Proof):

**HB 985.** Relating to Madison County; amending Act 90-286, H. 719 of the 1990 Regular Session (Acts 1990, p. 379), prescribing the salary of the sheriff; to provide further therefor.

By Rep. Boyd (With Notice and Proof):

**HB 990.** Relating to Calhoun County; authorizing the sheriff to operate a jail store and telephone system for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

Senator Bedford, Chairperson of the Standing Committee on Local

Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Boyd (With Notice and Proof) (With Substitute):

**HB 991.** Relating to Calhoun County; to provide for an adult day care program to assist in the daily care and other activities of the elderly; to provide for definitions; to provide for licensure of adult care centers; to provide for inspections; to provide for fees; and to make an appropriation.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Murphree (With Notice and Proof):

**HB 993.** Relating to Blount County; to amend Sections 5, 7, 13, and 17 of Act 93-712, H. 969, 1993 Regular Session, relating to the formation of fire and emergency medical services districts, to further provide for the annual payment of dues; to further provide for the annexation of an unincorporated area with 50 or more residences, businesses, and churches into a district; to further provide for a municipality contracting for fire and emergency medical services; to provide for the contracting for services by entities outside Blount County; and to further provide for the funding of municipalities' fire and emergency medical services.

By Rep. Hinshaw (With Notice and Proof):

**HB 1002.** To amend Section 1 of Act 940, H. 1956, 1973 Regular Session (Acts 1973, p. 1445), as amended, relating to Madison County and the Twenty-third Judicial Circuit; establishing the "District Attorney's Fund" and to further regulate the distribution of the fund; and specifically repealing Section 2 of Act 940, H. 1956, 1973 Regular Session (Acts 1973, p. 1445) relating to the fund.

By Reps. Venable, Gipson, and Wren (With Notice and Proof):

**HB 1007.** Relating to Elmore County; authorizing the county commission to levy an additional sales and use tax or an additional issuance fee on vehicle and watercraft licenses; providing for the collection, distribu-

tion, and use of the proceeds of the tax or fees; creating a separate fund to receive the taxes or fees; and prescribing additional duties on the Elmore County Commission.

By Reps. Hill and Knight (A) (With Notice and Proof):

**HB 1019.** To alter, rearrange, and extend the boundary lines and corporate limits of the City of Chelsea in Shelby County.

By Reps. Hill and Knight (A) (With Notice and Proof):

**HB 1020.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Pelham in Shelby County.

By Rep. Murphree (With Notice and Proof):

**HB 1029.** Relating to Blount County; to provide that the county commissioners may authorize the use of county personnel and county equipment to perform certain services when compensated for the services.

By Rep. Seibenhener (With Notice and Proof):

**HB 1030.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Geneva in Geneva County.

By Rep. Thomas (J) (With Notice and Proof):

**HB 1045.** Relating to Lowndes County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and providing for a termination date.

By Reps. Starkey and Hamilton (With Notice and Proof):

**HB 1049.** Relating to Lauderdale County; amending Act 86-411, 1986 Regular Session, as amended, relating to the county lodging tax, to increase the amount of the tax.

By Rep. Hayden (With Notice and Proof):

**HB 1050.** Relating to Hale County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

By Rep. Layson (With Notice and Proof):

**HB 1055.** Relating to Pickens County; authorizing the sheriff to operate a jail store and contract telephone installation for inmates; providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

By Rep. Layson (With Notice and Proof):

**HB 1056.** Relating to Pickens County; providing for costs to be imposed on each person incarcerated in the Pickens County jail; and providing for distribution of the revenues to be derived from the additional court costs.

By Rep. Venable (With Notice and Proof):

**HB 1061.** Relating to Coosa County; providing further for the compensation of the sheriff.

By Rep. Venable (With Notice and Proof):

**HB 1062.** Relating to Coosa County; amending Act 81-297, H. 649, 1981 Regular Session, relating to pistol permit fees, to increase the pistol permit fee the sheriff is required to charge, and providing for the distribution of the fees.

By Rep. Venable (With Notice and Proof):

**HB 1063.** Relating to Coosa County; authorizing the sheriff to operate a jail store and a telephone system for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

By Rep. Venable (With Notice and Proof):

**HB 1064.** Relating to Coosa County; authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for an auction and for the disposition of proceeds.

By Rep. Hayden (With Notice and Proof):

**HB 1070.** Relating to Perry County; to authorize the Perry County Commission to establish a Junior Perry County Commission; and to autho-

size certain scholarships for the members of the Junior Perry County Commission.

By Rep. Turnham (With Notice and Proof):

**HB 1077.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Auburn in Lee County.

By Rep. Turnham (With Notice and Proof):

**HB 1078.** To exempt the Lee County Cattlemen's Association Rodeo from collecting and remitting county, and municipal sales taxes levied upon admission to the Lee County Cattlemen's Association Rodeo.

By Rep. Layson (With Notice and Proof):

**HB 1079.** Relating to Tuscaloosa County, Alabama: to amend and reenact Act 86-656, 1986 First Special Session (Acts 1986, p. 39), as amended, establishing a fire district, pursuant to Amendment No. 358 to the Constitution of Alabama of 1901, for the purpose of preventing fires or for fire protection and certain other public service in Tuscaloosa County; providing for the manner such district may be created for any area; providing for the petition for any proposed district and the election thereon; providing that the expense of the conducting such election shall be paid by the county except that if the district is created the district shall reimburse the county; providing that after a district has been established the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district; providing that no district shall be created unless the creation thereof has been approved by the majority of votes cast at an election; providing that if the creation of the proposed district is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; providing for the enlargement and contraction of the district; providing for the management and operation of each district; providing for the election of a fire district board, except the initial board made up of the existing board of the directors of each volunteer fire department, each being a public corporation; providing for the terms of office of the members of the board; providing for the officers compensation, expense allowance and duties of the members of the board; defining the rights, power, and authority of the district; authorizing any such district to pledge all or any parts of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; authorizing any such district to levy and collect service charges or fees subject to certain limitations; providing that such services charges or fees shall not be levied unless the same is first approved by a majority of



the votes cast by the qualified electors residing within the district; providing for the dissolution of any such district; providing that the provisions of this act are severable; repealing all laws, or parts of laws, in the conflict with the act; and providing for the effective date of the act.

Senator McClain, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Petelos (With Notice and Proof):

**HB 911.** Relating to Jefferson County; authorizing the City Council of the City of Pleasant Grove to levy an additional ad valorem tax and providing for a referendum.

Senator Windom, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Crigler (With Notice and Proof):

**HB 260.** Amending Section 13 of Act No. 243, H. 278 of the 1964 First Special Session (Acts 1964, p. 326), relating to the pension and relief system for policemen and firemen of the City of Mobile, in Mobile County, to further provide for disabling disabilities; to exclude certain disabling disabilities; and to amend Section 2 of Act No. 95-571, H. 958 of the 1995 Regular Session (Acts 1995, p. 1194), relating to certain conditions existing at the time of employment in determining disability eligibility under the plan.

By Reps. Kennedy, Buskey, and Box (With Notice and Proof):

**HB 638.** Relating to Mobile County; providing for the county commission to reimburse the office of the accounts department for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, and providing that reimbursement payments be made from the county general fund.

By Reps. Turner and Dean:

**HB 1038.** To propose an amendment to the Constitution of Alabama of 1901 to provide that elected public officials may not assume a

supernumerary office after the effective date of this amendment and to provide that certain elected public officials in Mobile County may participate in the Employee's Retirement System.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Turner (With Notice and Proof):

**HB 1044.** To alter and rearrange the boundary lines and corporate limits of the municipality of Citronelle in Mobile County to remove certain property from the corporate limits of the municipality.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Parker (T) (With Notice and Proof):

**HB 739.** To establish procedures for Class 4 municipalities organized under Chapter 44B of Title 11 of the Code of Alabama 1975, to delete nonurban territory from its police jurisdiction or planning jurisdiction; to provide for public hearings to consider the issue; to provide for public notice and advertisement of the public hearings; to require notice to the county commission and authorizing the county commission to approve or disapprove of the same; to provide for the adoption of an ordinance deleting certain territory from the respective police jurisdiction or planning jurisdiction of the municipality subject to the limitation that the ordinance shall not take effect for a period of 90 days from the date of its adoption and that no territory may be deleted which has been designated as an "urban area" according to the preceding Federal Decennial Census; to provide that in the areas deleted from the police jurisdiction, the municipality shall cease collecting license taxes and sales taxes and use taxes pursuant to Sections 11-51-91 and 11-51-206 of the Code of Alabama 1975, and that any licenses collected shall be prorated; to provide that the municipality shall also terminate services within the territory deleted from the municipality and that the termination on the levy and collection of license taxes, sales taxes and use taxes, or services shall not subject the municipality to liability or damages arising out of or associated with the decision nor shall the action or statutes be construed to obligate or compel the municipality to continue to provide the services; to provide that the deletion of territory will not affect certain mutual aid agreements, emergency rescue agreements, or joint law enforcement activities; to provide that certain other sources of revenue within the territory are preserved to the extent that they have been

implemented by other legislative enactments or amendments thereto; to provide that any municipality deleting territory from its planning jurisdiction shall not, after the effective date of the ordinance, exercise planning commission control in any area located in the territory; to provide that municipalities which elect to delete certain territory from its respective police jurisdiction or planning jurisdiction are not limited to or restricted in providing water, sewer, or solid waste services within the territory; to provide that nothing in the act shall prohibit the municipality from subsequently annexing any territory deleted, but that any subsequent annexations shall not re-extend the municipality's respective police jurisdiction or planning jurisdiction over territories which have been deleted therefrom pursuant to this act; and to provide that the municipality shall delete code enforcement services from the territories.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Papucci and Jorgensen (With Notice and Proof) (With Substitute):

**HB 918.** Relating to Madison County; to exempt the Madison Athletic Association, the Madison Baseball Association, the Youth Development Association, Inc., the Madison Dolphins Swim Team, the Westco Girls Softball Team, and the American Youth Soccer Organization, Region 498, from the payment of all county and municipal sales and use taxes under certain conditions.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 412.** ADOPTING AND AMENDING THE REPORT OF THE JUDICIAL COMPENSATION COMMISSION TO THE 1997 REGULAR SESSION OF THE LEGISLATURE OF ALABAMA.

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Houston:

**HB 49.** To provide for a distinctive motor vehicle license tag or plate for members and supporters of fraternities and sororities; to prescribe the fees for the tags or plates; to provide for disposition of the net proceeds from the fees; to provide for a delayed effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 49 - to the Committee on Governmental Affairs

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Melton:

**HB 74.** To amend Sections 32-6-18 and 32-6-19 of the Code of Alabama 1975, relating to punishment for traffic violations; to impose an

additional penalty of \$50 on any person found guilty of driving a motor vehicle with a revoked, suspended, or cancelled driver's license or without a driver's license; to provide that the additional penalty be allocated to the Traffic Safety Trust Fund in the State Treasury; and to provide that the Traffic Safety Section of the Alabama Department of Economic and Community Affairs administer the proceeds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 74 - to the Committee on Governmental Affairs

### BUDGET ISOLATION RESOLUTION

Pursuant to the provisions of the Resolution, SR 130, the Senate proceeded to further consideration of the Bill, HB 312.

Senator Dial, B.I.R., HB 312, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 312.** Relating to elections; amending Sections 17-22A-2, 17-22A-7, 17-22A-22, 36-25-1, 36-25-6, 36-25-14, and 36-25-15, Code of Alabama 1975, to further regulate the financing of political campaigns and to provide further for penalties for violations.

was taken up.

The Standing Committee on Constitution, Campaign Finance, Ethics, and Elections reported the following amendment to the Bill, HB 312, to-wit:

**AMENDMENT TO HB 312**

Amend HB 312, Page 27, line 3, by inserting the following new paragraph "5" and renumbering subsequent paragraphs accordingly:

"5. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence of a public official or public employee in connection with an economic development research or trade mission, or for attendance at a mission or meeting in which he or she is scheduled to meaningfully participate, or regarding matters related to his or her official duties, and for which attendance no reimbursement is made by the state; provided, that any hospitality in the form of entertainment, recreation or sporting events shall constitute less than 25% of the time spent in connection with the event. If the aggregate value of any such hospitality extended to the public employee, public official and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day, the total amount expended for that day shall be reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of such expenditures, the date or dates of the expenditure, and the type of expenditure.

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

Senator Dixon offered the following amendment to the Bill, HB 312, as amended, to-wit:

**AMENDMENT TO HB 312, AS AMENDED**

Amend HB 312, as amended, on Page 5 by deleting lines 13 through 15 in their entirety.

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

And said Bill, HB 312, as thus amended, was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

**HB 187.** To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

said Conference Report being in words and figures as follows:

### REPORT OF CONFERENCE COMMITTEE ON HB 187

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning HB 187, have met, considered the matter, and have agreed to the following report.

Respectfully submitted,

CHARLES D. LANGFORD,

TOM BUTLER,  
RODGER M. SMITHERMAN,

Conferees on the part of the Senate.

GEORGE PERDUE,  
PETE TURNHAM,  
STEVE MCMILLAN,

Conferees on the part of the House.

**CONFERENCE COMMITTEE SUBSTITUTE FOR HB 187**

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, are amended to read as follows:

“§41-16-20.

~~“All~~ With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all contracts of whatever nature for labor, services, work, or for the purchase or lease of materials, equipment, supplies, or other personal property, involving ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or more, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office shall, except as otherwise provided in this article, be let by free and open competitive bidding, on sealed bids, to the lowest responsible bidder.

“§41-16-21.

“(a) Competitive bids shall not be required for utility services where no competition exists or where rates are fixed by law or ordinance, and the competitive bidding requirements of this article shall not apply to: the purchase of insurance by the state; contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction,



artists, appraisers, engineers, or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part; contracts of employment in the regular civil service of the state; tourist advertising by the State Bureau of Tourism and Travel authorized under Section 41-7-4 or advertising of the state parks by the Department of Conservation and Natural Resources; purchases of alcoholic beverages only by the Alcoholic Beverage Control Board; purchases for any hospital or campus medical facility which has a total licensed bed capacity of no less than 800 beds on May 29, 1985, operated by any state department, except the Department of Mental Health and Mental Retardation, board, bureau, commission, committee, institution, upon approval of the governing board of the institution, corporation, authority, or office; purchases by the Department of Transportation of local materials from any property owners in the vicinity of a project on which the local materials shall be used or purchases and contracts for repair of equipment used in the construction and maintenance of highways by the Department of Transportation; purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with Sections 21-2-1 through 21-2-4; purchases of maps or photographs purchased from any federal agency; purchases of manuscripts, maps, books, pamphlets, or periodicals purchased for the use of any state library or any other library in the state supported in whole or in part by state funds; contractual services and purchases of commodities for which there is only one vendor or supplier; contractual services and purchases of personal property, which by their very nature are impossible of award by competitive bidding; barter transactions by the Department of Corrections; and purchases, contracts, or repairs by the State Docks Department when it is deemed by the Director of State Docks and the Secretary-Treasurer of the State Docks Department that the purchases, contracts, or repairs are impractical of award by competitive bidding due to the exigencies of time or interference with the flow of commerce. The Director of State Docks and the Secretary-Treasurer of the State Docks Department shall place a sworn statement in writing in the permanent file or records setting out the emergency or exigency relied upon and the necessity for negotiation instead of proceeding by competitive bidding in that particular instance, and the sworn statement shall be open to public inspection. A copy of the sworn statement shall be furnished forthwith to the chief examiner of public accounts.

“(b) All educational and eleemosynary institutions governed by a board of trustees or other similar governing body and the State Docks Department shall be exempt from this article which relate to the powers, duties, authority, restrictions, and limitations conferred or imposed upon the Department of Finance, Division of Purchases and Stores. The educational and eleemosynary institutions, the State Docks Department, and the other state agencies exempted from this article shall let by free and open

competitive bidding on sealed bids to the lowest responsible bidder all contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies, or other personal property involving ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or more. The institutions, departments, and agencies shall establish and maintain purchasing facilities as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each institution, department, or agency.

“(c) Contracts entered into in violation of this article shall be void.

“(d) Nothing in this section shall be construed as repealing Sections 9-2-106 and 9-2-107.

“§41-16-24.

“(a) The purchasing agent shall advertise for sealed bids on all purchases in excess of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) by posting notice thereof on a bulletin board maintained outside the office door or by publication of notice thereof, one time, in a newspaper published in Montgomery County, Alabama, or in any other manner, for such lengths of time as the purchasing agent may determine. The purchasing agent shall also solicit sealed bids by sending notice by mail to all Alabama persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for the particular items set forth in the request and the other persons, firms, or corporations the purchasing agent deems necessary to insure competition. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three solicitations, the listing may be cancelled by the purchasing agent.

“(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of the permanent file or records and shall be open to public inspection.

“(c) If the purchase or contract will involve an amount of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or less, the purchasing agent may make the purchases or contracts either upon the basis of sealed bids or in the open market.

“(d) No purchase or contract involving an amount in excess of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) shall

be divided into parts involving amounts of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or less for the purpose of avoiding the requirements of this article. All such partial contracts involving ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or less shall be void.

“§41-16-50.

“(a) All With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all expenditure of funds of whatever nature for labor, services, work, or for the purchase of materials, equipment, supplies, or other personal property involving ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or more, and the lease of materials, equipment, supplies, or other personal property where the lessee is, or becomes legally and contractually, bound under the terms of the lease, to pay a total amount of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or more, made by or on behalf of any state trade school, state junior college, state college, or university under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions, the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards, and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder. Prior to advertising for bids for an item of personal property, where the county, a municipality, or an instrumentality thereof is the awarding authority, the awarding authority may establish a local preference zone consisting of either the legal boundaries or jurisdiction of the awarding authority, or the boundaries of the county in which the awarding authority is located, or the boundaries of the Standard Metropolitan Statistical Area (SMSA) in which the awarding authority is located. If no such action is taken by the awarding authority, the boundaries of the local preference zone shall be deemed to be the same as the legal boundaries or jurisdiction of the awarding authority. In the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm, or corporation deemed to be a responsible bidder, having a place of business within the county or Standard Metropolitan Statistical Area (SMSA), where the county, a municipality, or an instrumentality thereof is the awarding authority, and the bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to the resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

“(b) The governing bodies of two or more contracting agencies, as

enumerated in subsection (a) within the same county or adjoining counties, may provide, by joint agreement, for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property for use by their respective agencies. The agreement shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property to be purchased, the manner of advertising for bids and the awarding of contracts, the method of payment by each participating contracting agency, and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and the agent shall have the responsibility to comply with this article. Purchases, contracts, or agreements made pursuant to a joint purchasing agreement shall be subject to all terms and conditions of this article.

“(c) All bidders shall furnish a bid bond on any contract ~~exceeding ten thousand dollars (\$10,000)~~; provided, that bonding is available for the services, equipment, or materials.

“§41-16-54.

“(a) All proposed purchases in excess of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) shall be advertised by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for any length of time as may be determined. Sealed bids shall also be solicited by sending notice by mail to all persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for the particular items that are set forth in the request. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three solicitations, the listing may be cancelled.

“(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained for a period of seven years from the date the bids are opened and shall be open to public inspection.

“(c) If the purchase or contract will involve an amount of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or

less, the purchases or contracts may be made upon the basis of sealed bids or in the open market.

“(d) No purchase or contract involving an amount in excess of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) shall be divided into parts involving amounts of ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or less for the purpose of avoiding the requirements of this article. All such partial contracts involving ~~seven thousand five hundred dollars (\$7,500)~~ ten thousand dollars (\$10,000) or less shall be void.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, HB 187, as thus amended by the Report of the Committee on Conference was again read and passed.

And said Bill, HB 187, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Senator Langford, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 187, the title of which and Conference Report are set out in the foregoing message from the House.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-29

Nays:

- 0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 498.** To provide for an additional circuit judgeship in the

37th Judicial Circuit; to provide for a Family Court Division of the circuit court; and to designate the additional judgeship as the presiding judge in the Family Court Division.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 494.** To amend sections 40-9B-3, 40-9B-4, 40-9B-5, and 40-9B-6, Code of Alabama 1975; to provide that the amendments are retroactively effective to May 21, 1992; and to provide that no refunds shall be due or issued as a result of the retroactive effective date of this act.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Roberts, the Senate non-concurred in the following House amendment to the Bill, SB 494, the title of which is set out in the foregoing Message from the House, to-wit:

### AMENDMENT TO SB 494

Amend SB 494, page 13, line 18, by inserting the following language as Section 3 and renumbering existing Sections 3, 4, and 5 accordingly:

“Section 3. By enactment of this act, the legislature does hereby ratify, confirm, and approve all abatements granted pursuant to the Tax Incentive Reform Act of 1992, as amended, by the governing body of a: (a) municipality, (b) county, or (c) public industrial authority, prior to the date upon which this act becomes a law.”

Also:

On page 2, line 5, after the period insert the following language:

“Notwithstanding the preceding sentence, an abatement agreement

entered into by any industrial development boards and city or county governing bodies shall not include the abatement of state taxes.”

On page 9, after line 10, add a new subsection (g):

“(g) Notwithstanding any other provision of this Title 40, industrial development boards and city or county governing bodies may not abate any state taxes.”

and requested a Committee on Conference.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nays:

- 0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Hale, Ghee, and Roberts.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dean, Gaston, Pringle, Crigler, Turner, Buskey, Box, Kennedy, Penry, McMillan, and Mitchell:

**HJR 397. MEMORIALIZING THE UNITED STATES CONGRESS TO SUPPORT INCREMENTAL FUNDING OF THE NIMITZ-CLASS AIRCRAFT CARRIER.**

WHEREAS, with the closing of many overseas U.S. Military Bases in the post-cold war era, aircraft carriers, which are in effect movable military bases, are an essential response tool necessary to maintain global peace; and

WHEREAS, aircraft carriers have been involved in more than 250 crises since 1945, a figure which represents 80 percent of all Post-World

War II incidents, having been dispatched 70 times in the past 20 years; moreover, only seven percent of these deployments involved the use of armed forces, a convincing testament to the peacekeeping capabilities of this vital military tool; and

WHEREAS, the development of the Nimitz-class Aircraft Carrier (CVN-77) promises a new breed of carrier which will incorporate advanced “smart” technologies which will both ensure a prudent transition into the next generation of carriers and, more importantly, our current capabilities and force strength will be preserved and enhanced; and

WHEREAS, this legislative body is highly cognizant of the importance of the CVN-77 upon our state and its residents, seven suppliers to the shipbuilders are located in Alabama, affording business opportunities which will have a profound effect upon our state’s economy; moreover, the funding of the Nimitz-class Aircraft Carrier on an incremental, lower risk “Smart Buy” funding basis will preserve our national industrial base and protect over 123,000 jobs in 43 states, paramount economic advantages which will prove financially and socially beneficial to both our nation and our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the United States Congress, and in particular the Members of the Alabama Congressional Delegation, are respectfully encouraged to support the building of the Nimitz-class Aircraft Carrier (CVN-77), and adopt the incremental funding initiative so as to ensure that our national defense and economic well-being are properly provided and enhanced.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to each Member of the Alabama Congressional Delegation so that our sentiments concerning this critical issue are known.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Davidson, the Rules were suspended and the Resolution, HJR 397, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### REPORT FROM RULES

Senator Lindsey, Chairperson of the Standing Committee on Rules,



reported that said committee, in session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 425.** COMMENDING LINDA H. TRUELOVE OF COTTONDALE, ALABAMA, AS RECIPIENT OF THE CHRISTA MCAULIFFE FELLOWSHIP AWARD FOR THE STATE OF ALABAMA FOR 1996.

WHEREAS, it is with sincere praise and highest commendation, that the Alabama Legislature recognized Linda H. Truelove of Cottondale, Alabama, as the Christa McAuliffe Fellow for the State of Alabama for 1996; and

WHEREAS, the prestigious science award was named in honor of New Hampshire teacher Christa McAuliffe, who died in the January 28, 1986, Challenger space shuttle fire; and

WHEREAS, the focus of Ms. Truelove's grant application was the LEGACY program, an acronym for Learning Experiences that Gain Advantages and Challenge Youth, an innovative program with an application of learning technologies for classroom use and a partnership with the community which provides students an awareness of environmental resources and the development of process skills in collaborative learning; challenges students to think independently and critically and to master key Science skills; and developing within them positive attitudes toward Science; and

WHEREAS, Ms. Truelove has taught for some 20 years, successively serving as a kindergarten teacher at Vance Elementary School (1978-1983), and a kindergarten and third grade teacher at Cottondale Elementary School since 1983; she earned her B. S. and M. A. degrees from the University of Alabama; and, among numerous professional involvements over the years, has served as a presenter on both local and state levels for ASTA, CHEM, the State Department of Education, and others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional service and achievement, and as recipient of the Christa McAuliffe Fellowship award for the State of Alabama for 1996, we hereby most highly commend Ms. Linda Truelove of Cottondale, Alabama, for whom a copy of this resolution of sincere tribute and regard shall be provided.

Also:

**HJR 424.** COMMENDING THE MEN'S BASKETBALL TEAM OF WALLACE COMMUNITY COLLEGE IN DOTHAN, ALABAMA, ON AN OUTSTANDING 1996-97 SEASON.

WHEREAS, The Alabama Legislature notes with commendation the outstanding 22-10 record posted by Wallace Community College for the 1996-97 basketball season; and

WHEREAS, Coach Eddie Barnes was named Division II Coach of the Year while leading Wallace Community College to the Division II Championship, the No. 1 seed in the state tournament, and a runner-up finish in the state tournament; and

WHEREAS, throughout the season, Coach Barnes was competently assisted by Assistant Coach John Windsor and ably supported by Athletic Director Gene Dews, Athletic Administrator Dr. Bob Boothe, College President Dr. Larry Beaty, and team managers Brock Stevens, Rodney Haney, and T. J. Braxton; and

WHEREAS, this talented team of fine athletes consisted of Deon Reid, Kevin Baker, Malcolm James, Chris Payne, Micky Gorke, Tony Jones, Kevyn Estabrook, Tim Bridges, David Jackson, Cason Barnes, Corey Thompson, Anthony Jackson, and Theo Bruinton; and

WHEREAS, Tim Bridges, Kevin Baker, and Malcolm James were named to the All-State team for their consistent and superb play throughout the season and the state tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both highly commend and congratulate Wallace Community College in Dothan, Alabama, for an outstanding 1996-97 basketball season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Barnes and the Athletic Department of Wallace Community College for appropriate display at the college.

Also:

**HJR 423.** COMMENDING THE SHELTON STATE COMMUNITY COLLEGE SCHOLARS BOWL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature recognizes the importance and desirability of promoting scholarship, leadership, and the achievement

of excellence among Alabama youth, and the value of academic competitions in recognizing and rewarding their efforts and accomplishments; and

WHEREAS, the Shelton State Community College Scholars Bowl Team has brought recognition to its school, community, and state by its outstanding accomplishments in the 1996-1997 academic year, including First Place in the State District 1 competition at Troy State University in November; First Place in the State District 2 competition at Troy State University in January; First Place in the Tallahassee Community College Southeastern Tournament, in which twenty-seven teams from all over the Southeast competed; Second Place in the Berry College Tournament, Rome, Georgia, with seventeen teams competing; and, of course, the State Championship at Troy State University, in which the team went undefeated through nine games; and

WHEREAS, the members of this exceptionally talented team, each of whom, under the able direction of Coach Diane Layton, has greatly contributed to an outstanding team effort are: Christopher Davis of Cottondale, Alabama; Anden Hebert of Naples, Florida; Todd Powell of Tuscaloosa, Alabama; Patrick McDonald of Tuscaloosa, Alabama; Kevin Windham of Moundville, Alabama; Jon "Chopper" Barnett of Tuscaloosa, Alabama; Daniel Sample of Tuscaloosa, Alabama; Adam Foster of Centreville, Alabama; LaKeisha Rollins of Tuscaloosa, Alabama; and Joel Kizziah of Tuscaloosa, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and applaud the Shelton State Scholars Bowl Team and express pride and congratulations in its accomplishments.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for President, Dr. Thomas E. Umphrey, for presentation to team members and for appropriate school display.

Also:

**HJR 342.** COMMENDING THE FOLEY HIGH SCHOOL KEY CLUB ON ITS OUTSTANDING ACHIEVEMENTS.

WHEREAS, noted with highest commendation are the notable accomplishments of the Foley High School Key Club sponsored by the Kiwanis Club; and

WHEREAS, selected as most improved Key Club in the State of Alabama, the Foley Key Club has provided countless hours of school and

community service projects and received first place recognition as Most Improved Club at the Alabama District Convention of Key Clubs; and

WHEREAS, it also received second place for Achievement Award and third place for Single Service Project, and has distributed over \$65,000 to needy individuals in the South Baldwin County Area; and

WHEREAS, the Foley Key Club is listed among the top 50 clubs in an international organization of 187,000 in 16 countries, a striking example which highlights in a positive manner the achievements and abilities of the young people of our state; and

WHEREAS, exemplary members of the Foley Key Club include Aaren Corely, Cara Haltiwanger, Luke Jones, Jennifer Morris, Staci Lewis, Lori Tidwell, Michael Heisley, Brian Miller, and Tom Sisk, sponsor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievements, the Foley High School Key Club members are most highly commended for their extraordinary school and community service projects.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Tom Sisk for appropriate school display.

Also:

**HJR 408.** COMMENDING JENNA NICOLE FOWLER AS RECIPIENT OF THE 1996-97 CITIZENSHIP AWARD AT ELSANOR SCHOOL.

WHEREAS, noted with highest commendation are the numerous and notable accomplishments of Jenna Nicole Fowler, a sixth grade student at Elsanor School, Robertsedale, Alabama; and

WHEREAS, young Miss Jenna, eleven-year-old daughter of loving parents, Van and Carolyn Fowler, has won the prestigious 1996-97 Citizenship Award at Elsanor School in Baldwin County; and

WHEREAS, this high honor was awarded to a student who displays the characteristics of responsibility, honesty, reliability, and leadership, as well as a desire to be a role model in helping others; and

WHEREAS, Jenna, an exceptionally bright and talented student, is

an enthusiastic participant in the Big Buddy Mentoring Program, and is an active Safety Patrol, Peer Tutor, Teacher's Aide, and sixth grade treasurer, while mastering the art of time management; and

WHEREAS, Jenna Nicole Fowler, in whom we are justly proud, is indeed a young Alabamian of extraordinary accomplishments who has brought great credit to her family, school, and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Jenna as recipient of the 1996-97 Citizenship Award at Elsanor School, and direct that a copy of this resolution be presented to her with highest praise and honor.

Also:

**HJR 411. COMMENDING THE CITRONELLE-CALL NEWS-PAPER ON ITS 100TH ANNIVERSARY.**

WHEREAS, Citronelle-Call, a weekly community newspaper in Citronelle, Alabama, will celebrate its 100th Anniversary in media service with an open house and ribbon cutting ceremony on April 25, 1997; and

WHEREAS, the oldest tabloid newspaper in North Mobile County, the Citronelle-Call first opened its doors in April 1897, surviving the trials of changing times, and has provided hometown news to people in all regions of the country, as well as our servicemen in foreign countries; and

WHEREAS, the Citronelle-Call is a unique newspaper offering free nonbusiness classifieds, birthday and anniversary announcements, as well as a Speak Out page that gives readers the opportunity to voice their opinions; and

WHEREAS, successful Citronelle-Call owners and operators, Willie and Rhonda Gray, are dedicated to promoting South Washington and North Mobile Counties, as well as Green County in Mississippi, and have served as worthy role models for all newspaper professionals; and

WHEREAS, the Citronelle-Call, under the leadership of Willie and Rhonda Gray, has become one of the finest newspapers in the state and has compiled an impressive record of journalism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize the Citronelle-Call on its 100th Anniversary in media service and, by copy

of this resolution, extend sincere best wishes for continued success in all future endeavors.

Also:

**HJR 414. COMMENDING TIGER WOODS ON WINNING THE MASTERS GOLF TOURNAMENT.**

WHEREAS, Tiger Woods, at the age of 21 became the youngest player ever to win the Masters Golf Tournament; and

WHEREAS, this personable, articulate, and well-mannered young man also posted the lowest 72-hole score in the 61-year history of the Masters, surpassing the records of golf legends Jack Nicklaus and Ray Floyd, and won by a record setting margin of victory at 12 strokes below the pack; and

WHEREAS, the winner of three U.S. Amateurs, three U.S. Juniors, and one NCAA title, Tiger Woods capped a sterling amateur career as a member of the Stanford University Golf Team before turning pro; and

WHEREAS, in addition to demonstrating the consummate physical skills of the game, Tiger Woods continues to amaze his competitors with his mental toughness, fierce competitiveness, and his will-to-win attitude; and

WHEREAS, the great potential of this perhaps greatest of all young golfers is exceeded only by his sincere warmth, intellect, and strength of character; he is truly a role model worthy of emulation by American youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Tiger Woods on his record-setting win of the Masters Golf Tournament, and by copy of this resolution, extend our sincere praise and esteem to this outstanding individual.

Also:

**HJR 413. COMMENDING SIMPSON PEPPER ON HIS OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA.**

WHEREAS, Simpson Pepper, a native of Birmingham, Alabama, is one of the most familiar sports voices at Legion Field Stadium who served with distinction as a sports public address announcer for the University of

Alabama for more than 30 years; and

WHEREAS, Mr. Pepper, affectionately known as "Coach Pepper," played football, basketball, baseball, and ran track while at Ensley High School and, later, attended Livingston University, now known as the University of West Alabama; and

WHEREAS, a staunch supporter of education, Mr. Pepper was principal at Jones Valley High School for 22 years, and teaches history and physical education at Central Park Christian School; and

WHEREAS, his rewarding career covered not only 33 years of football, but also 14 years of basketball at the University of Alabama, high school basketball games and track meets, among numerous other activities; and

WHEREAS, he also covered games for Alabama A & M and Alabama State Universities, as well as several professional football teams that played at Legion Field; and

WHEREAS, a self-taught announcer, his creative energies appeared to be boundless while announcing with pride every game in last fall's Super Six High School Championships; and

WHEREAS, Simpson Pepper is an outstanding public address announcer who has maintained consistent high quality and excellence with his rich voice that projects so well, and whose keen eyes captured touchdowns, first downs, and the spirit of the players and fans at the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That highest commendation is hereby extended to Simpson Pepper, for whom a copy of this resolution shall be provided with sincere best wishes for continued happiness and future success.

Also:

**HJR 409.** COMMENDING JESSICA DANIELLE MIDDLETON AS RECIPIENT OF THE 1996-97 CITIZENSHIP AWARD AT ROSINTON SCHOOL.

WHEREAS, noted with highest commendation are the numerous and notable accomplishments of Jessica Danielle Middleton, a sixth grade student at Rosinton School, Robertsdales, Alabama; and

WHEREAS, young Miss Jessica, eleven-year-old daughter of loving parents, Mr. and Mrs. Daniel R. Middleton, Jr., has won the prestigious 1996-97 Citizenship Award at Rosinton School in Baldwin County; and

WHEREAS, this high honor was awarded to a student who displays the characteristics of responsibility, honesty, reliability, and leadership, as well as a desire to be a role model in helping others; and

WHEREAS, Jessica, an exceptionally bright and talented student, is an enthusiastic participant in the Big Buddy Mentoring Program, and is an active Student Helper, Snack Bar Aide, Peer Tutor, and Teacher's Aide while mastering the art of time management; and

WHEREAS, Jessica Danielle Middleton, in whom we are justly proud, is indeed a young Alabamian of extraordinary accomplishments who has brought great credit to her family, school, and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Jessica as recipient of the 1996-97 Citizenship Award at Rosinton School, and direct that a copy of this resolution be presented to her with highest praise and honor.

Also:

**HJR 276. COMMENDING MRS. DEBORAH LITTLE FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.**

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Mrs. Deborah Little, who has gained praise and recognition for her innovative educational programs; and

WHEREAS, Mrs. Little, a staunch advocate for children and education, encourages students to question and investigate and, over her dedicated tenure, has had a significant impact on the lives and accomplishments of her many students; and

WHEREAS, her innovative programs and her enthusiasm for implementing them are contagious and schools and parents have enlisted her help and encouragement as they attempt to emulate her style; and

WHEREAS, the contributions of Mrs. Deborah Little to the education of her students have been invaluable, and she has served as a worthy role model for all educational professionals in the State of Alabama; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions in the field of education, Mrs. Deborah Little is commended on her illustrious record of accomplishments, applauded for the inspiration and guidance that she has provided to her students, and extended sincere best wishes for every success in the future.

BE IT FURTHER RESOLVED, That Mrs. Little receive a copy of this resolution with sincere best wishes.

Also:

**HJR 275. COMMENDING MRS. MARGIE ALVIS FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.**

WHEREAS, Mrs. Margie Alvis is to be commended for her distinguished service in the field of education, and it is appropriate at this time to acknowledge her exemplary accomplishments, and to extend to her special public recognition and congratulations for her innovative educational programs; and

WHEREAS, a mentor, role model, advisor, and friend to countless individuals, Mrs. Alvis is indeed an exemplar of a caring teacher who is entirely devoted to the betterment of her profession, school, and students; and

WHEREAS, as a result of her tireless hard work and unwavering commitment as a teacher, Mrs. Alvis has succeeded in earning the admiration and respect of faculty and parents who have had the privilege of associating with her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Margie Alvis is commended and thanked for a distinguished record of professional service as an educator, and for her deep love and devotion for the children of Alabama.

BE IT FURTHER RESOLVED, That Mrs. Alvis receive a copy of this resolution as evidence of our appreciation and admiration, and with sincere best wishes for happiness in all future endeavors.

Also:

**HJR 109. DIRECTING THE DEPARTMENT OF REVENUE, THE LEGISLATIVE FISCAL OFFICE, AND THE HOUSE WAYS**

AND MEANS COMMITTEE TO JOINTLY CONDUCT AN ANALYSIS OF THE COSTS AND BENEFITS OF COMBINED OR CONSOLIDATED INCOME TAX REPORTING BY AFFILIATED CORPORATIONS.

WHEREAS, corporations doing business in Alabama that are commonly owned are permitted to file a consolidated tax return for federal income tax purposes, and at least a majority of states imposing a corporate income tax recognize either a similar privilege or permit or require affiliated corporations to file a "combined" income tax return with the other members of their unitary group under prescribed conditions; and

WHEREAS, the Department of Revenue requires each corporation doing business in Alabama, and subject to the corporate income tax, to file a separate state income tax return; and

WHEREAS, providing for either combined or consolidated income tax reporting by affiliated or unitary corporations may often better reflect the economic activity of the affiliated or unitary group within Alabama, while separate income tax reporting may unfairly penalize a related group of corporations doing business in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Revenue, in cooperation with the Legislative Fiscal Office and the Committee on Ways and Means, is directed to conduct a study of the possible effects, including the impact on the business community and related revenue estimates, of permitting corporations doing business in Alabama to elect to file either combined or consolidated income tax returns with other members of their unitary or controlled group, respectively. The study shall include comparisons to other states, such as Kentucky and Florida, and consideration of possible limitations on the election, such as: (1) a minimum period of between 7 to 10 years during which the election would be binding on the group; (2) a prohibition on the group's use of net operating losses incurred in years prior to making the election, except to offset any income earned by the corporation that originally incurred the net operating loss; and (3) so-called "water's edge" restrictions on combined reporting.

BE IT FURTHER RESOLVED, That the Department of Revenue is further directed to issue its report to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives by December 1, 1997, and make such report available to the media thereafter, provided that no information related to a particular taxpayer or that would reasonably lead to the identification of a particular taxpayer shall be released to the public, in accordance with Section 40-2A-10 of the Code of Alabama 1975.

Also:

**HJR 274. COMMENDING MRS. ANNETTE WISNIEWSKI FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.**

WHEREAS, Mrs. Annette Wisniewski, the epitome of dedication to children's education, is a visionary who turns dreams into reality with creativity, resourcefulness, and hard work; and

WHEREAS, she has a zest for teaching and touching children's lives, bestowing intangible gifts that last a lifetime—a love for reading and a thirst for knowledge; and

WHEREAS, her innovative programs and her enthusiasm for implementing them are contagious, and schools and parents have enlisted her help and encouragement as they attempt to mimic her style; and  
WHEREAS, the contributions of Mrs. Annette Wisniewski to the education of her students have been invaluable, and she has served as a worthy role model for all educational professionals in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Annette Wisniewski is commended on her illustrious record of accomplishments during her career in the field of education, applauded for the inspiration and guidance that she has provided to her students, and extended sincere best wishes for every success in the future.

BE IT FURTHER RESOLVED, That Mrs. Wisniewski receive a copy of this resolution with sincere best wishes.

Also:

**HJR 324. MOURNING THE DEATH OF MARGARET RUTLEDGE REEVES OF GADSDEN, ALABAMA.**

WHEREAS, it is with deep and profound sorrow that the Legislature of Alabama records the death of Margaret Rutledge Reeves of Gadsden, Alabama, on March 21, 1997, at the age of 67 years; and

WHEREAS, a native and lifelong resident of Etowah County, Mrs. Reeves was a retired teacher with the Gadsden City Board of Education, having taught at Disque Middle School in Gadsden for over 30 years and, over her long and dedicated tenure impacted greatly upon the lives of countless young students under her tutelage and care; she also was a faithful

member of the First Presbyterian Church of Gadsden; and

WHEREAS, preceded in death by a daughter, Susan Rutledge Edwards, Mrs. Reeves is survived by her devoted husband, Cresful Reeves; daughters, Janet Herring and Perree Collier; sons, Jack Rutledge, Chuck Rutledge, Corky Reeves, and Pat Reeves; 15 grandchildren; and other close family members and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are truly saddened by the death of Margaret Rutledge Reeves of Gadsden, Alabama, and, by copy of this resolution, extend our deepest sympathy to her beloved family that they may know of our shared sorrow in their great and grievous loss.

Also:

**HJR 323. MOURNING THE DEATH OF FLOYD L. GARRETT OF GADSDEN, ALABAMA.**

WHEREAS, it is with the most profound sorrow and deep sense of loss that word has been received of the death of Floyd L. Garrett of Gadsden, Alabama, on March 16, 1997; and

WHEREAS, Mr. Garrett, age 75, was a native of Collinsville, Alabama, and faithful and devoted member of Walnut Park Baptist Church; and

WHEREAS, a highly decorated veteran of World War II, Mr. Garrett served his country with honor in both the United States Navy and Marines; and

WHEREAS, he was a valued member and past president of Bricklayers Local #11 for 50 years, and his participation was valuable and noteworthy as a member of VFW Post 2760; and

WHEREAS, Mr. Garrett also was an ardent supporter of Go-Go Grandparents and active member of El Senor Club, as well as RSVP AND AARP, and his enthusiastic support of community activities will long be remembered; and

WHEREAS, left to cherish the memory of Floyd L. Garrett are his loving wife, Virginia; devoted sons and daughters-in-law, Travis and Margaret, and Ken and Patsy; grandchildren, Josh, Kristy, and Gina Garrett and Derek and Ryan McKinney; and other caring family members and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That deepest sympathy is hereby extended to Virginia Garrett, for whom a copy of this resolution of sincere condolence shall be provided.

Also:

**HJR 99.** NAMING A PORTION OF U.S. HIGHWAY 43, THE "A. W. TODD HIGHWAY."

WHEREAS, A. W. Todd's 40-year tenure of dedicated public service and his incomparable contributions to Alabama's farmers and to agriculture in our state as a member of the Alabama Legislature and, most especially, as Commissioner of Agriculture and Industries for three historic terms are legendary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of his service to the state, we hereby name and designate that portion of U.S. Highway 43 from Alabama House District Number 18 (Northern Part) to the junction of U. S. Highway 43 and Alabama Highways 5 and 13, near Spruce Pine, Alabama, the "A. W. Todd Highway."

BE IT FURTHER RESOLVED, That the Department of Transportation is authorized to erect and maintain appropriate signs for this designation.

Also:

**HJR 325.** MOURNING THE DEATH OF SHIRLEY JEAN BOHANNON YATES OF GADSDEN, ALABAMA.

WHEREAS, it is with deepest sorrow and regret that the Legislature of Alabama records the lamentable death of Shirley Jean Bohannon Yates of Gadsden, Alabama, on March 29, 1997, at the age of 61 years; and

WHEREAS, a well-known and active member of the Gadsden community, Shirley Jean Bohannon Yates was a member of Glencoe First Baptist Church and of the board of directors of United Cerebral Palsy, a lifetime member of Briarmeade Ladies Golf Association, and a loyal and avid fan and supporter of Glencoe High School Athletics; and

WHEREAS, she was blessed with a sunny disposition and a heart full of love for her family and friends, of which she gave freely, and which was returned in full measure; and

WHEREAS, throughout her lifetime, Shirley Jean Yates exhibited by word and deed, her fervent interest in the welfare and well-being of others, and through her dedicated efforts on their behalf and through leadership of activities of community concern, exerted a profound influence on all those whose lives she touched; and

WHEREAS, she also was a devoted wife to husband, Randall Loyd Yates, Sr.; the loving mother of sons, Randall Loyd Yates, Jr. and his wife, Brenda, and Kevin Wayne Yates and his wife, Pam; daughters, Dwan and Lexie Yates; the proud grandmother of grandchildren, Stacie and Dylan Yates; and a cherished friend to many; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Shirley Jean Bohannon Yates, and direct that a copy of this resolution be provided for her family that they may know of our shared sorrow in their great and grievous loss.

Also:

**HJR 321. COMMENDING SUE C. WILSON ON OUTSTANDING PROFESSIONAL ACHIEVEMENTS.**

WHEREAS, Sue C. Wilson, County Administrator and Treasurer with the St. Clair County Commission, is retiring on May 1, 1997, and it is appropriate at this time to extend public recognition to her for her professional leadership; and

WHEREAS, Mrs. Wilson began her employment with the St. Clair County Commission on November 1, 1962, and was subsequently appointed as County Administrator and Treasurer on May 12, 1973; and

WHEREAS, contributing to her profession during her 34 years with St. Clair County, spanning nine administrations, Mrs. Wilson served with honor and distinction in numerous responsible capacities, including president of the Alabama County Commission Clerks' Association, and as a valuable member of an Examiners of Public Accounts committee established to develop and update a county commission finance manual; and

WHEREAS, a devoted member of Ashville United Methodist Church, Mrs. Wilson has two loving children, Charles and Rachel; she also is the active grandmother to two adorable grandchildren; and

WHEREAS, as a result of her tireless hard work and unwavering commitment, Sue C. Wilson has succeeded in compiling an impressive record

of career achievements, and has earned the admiration and respect of those persons who have had the privilege of associating with her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Wilson is commended on her long and distinguished professional service with the St. Clair County Commission and, by copy of this resolution, conveyed sincere best wishes for continued success in the future.

Also:

**HJR 326. RECOGNIZING MADELEINE HILL FOR OUTSTANDING ACHIEVEMENT AND SERVICE.**

WHEREAS, highest commendation is herein accorded Madeleine Hill of Tuscaloosa, Alabama, as recipient of the Tombigbee Girl Scout Council Lifetime Achievement Award in association with the council's Women Committed to Excellence program; and

WHEREAS, Ms. Hill is a part-time faculty member in graduate studies at the University of Alabama School of Social Work; she also gives generously and selflessly of her time and energy to Alberta Elementary School in association with the Tuscaloosa County Medical Alliance, and was instrumental in the involvement of the Medical Alliance with the Chamber of Commerce Adopt-A-School program at Alberta Elementary some eight years ago, a program she has served as chairman for the past five years; and

WHEREAS, Ms. Hill, who is highly acknowledged for her creativity, problem solving and outstanding leadership abilities, also was asked to serve on the Alberta Elementary Guidance Council and as chairman of the Site Based Management Council; she also organized a career day at Alberta focusing on medical careers; and

WHEREAS, she further has influenced the lives of countless young people at Alberta, both individually and collectively, through her personal involvement as tutor, mentor, class sponsor, and as a role model for many young girls; and

WHEREAS, Madeleine Hill has extended her efforts to include leadership in numerous organizations and efforts throughout the Alberta-Tuscaloosa-West Alabama community including the Tuscaloosa Symphony Orchestra, Alberta Improvement Association, United Way of Tuscaloosa, Hospice of West Alabama, the Alabama Hospice Organization and National Hospice Organization, Alabama Department of Mental Health and

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Mental Retardation, as an active member of Covenant Presbyterian Church, and to countless organizations and programs focusing on the elderly, teenage pregnancy, and AIDS awareness; and

WHEREAS, indeed, Ms. Hill, a caring and compassionate lady, has worked tirelessly and determinedly in her commitment to children, education, and the community, and has earned the fervent gratitude and respect of all with whom she has been associated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service and achievement, and as recipient of the Tombigbee Girl Scout Council Lifetime Achievement Award, we hereby most highly commend Madeleine Hill of Tuscaloosa, Alabama, and direct that she receive a copy of this resolution of highest honor and esteem.

Also:

**HJR 201. COMMENDING GRAND BAY HIGH SCHOOL ON ITS FIRST-PLACE TEAM AWARD IN THE MOBILE COUNTY SCHOLARS BOWL.**

WHEREAS, noted with highest commendation are the notable accomplishments of the Grand Bay High School Scholars Bowl Team on its first-place team award, whose members will be recognized at a meeting of the Mobile County School Board on March 14, 1997; and;

WHEREAS, the Scholars Bowl is an academic contest in which students from various schools compete against each other by answering questions and solving problems to earn points; and

WHEREAS, displaying their exceptional scholastic abilities are team members Neil Warren, Steve Jackson, Sherry Broadus, Clint Landry, Jamin Bates, and Landon Deakle, who ended the season with a 17-3 record and 4,440 points; and

WHEREAS, included among the all-star team's highest scoring students is Clint Landry of Grand Bay with 1,210 points; Clint also was chosen by the coaches as an outstanding competitor on the Grand Bay varsity team, and Landon Deakle as Grand Bay's outstanding junior varsity competitor; and

WHEREAS, the Grand Bay High School Scholars Bowl Team is indeed a group of young Alabamians of extraordinary accomplishment who have brought great credit to their families, school, and communities; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievements, the Grand Bay High School Scholars Bowl Team members are most highly commended on their determination to succeed in their educational endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Grand Bay High School for appropriate school display.

Also:

**HJR 200. EXTENDING HEARTIEST CONGRATULATIONS TO MR. AND MRS. CHARLES ROBERT MCDEVITT.**

WHEREAS, heartiest congratulations are herein extended to Charles Robert McDevitt and Marilyn McKenzie Jones who were united in marriage on December 28, 1996, in the First Baptist Church of Mobile, Bedsole Chapel, with Dr. James F. Walters officiating; and

WHEREAS, serving in attendance were the bride's daughter, Karen Lindsey Jones, 10, of Mobile, as flower girl, accompanied by the bride's nieces, Margaret Ashley (Maggie) Ferguson of Mobile and Sara Michele Godwin of Loxley; following the ceremony, a wedding reception was held at Gus's Azalea Manor Restaurant and Courtyard in downtown Mobile with the "Dauphin Street Combo" providing festive, contemporary jazz music for the occasion; and

WHEREAS, Marilyn has served with the Mobile County Probate Court since 1974, under the administrations of Probate Judges L. W. "Red" Noonan and John L. Moore, III, and currently, as Election Coordinator, heads the Court's Election Division; and

WHEREAS, Charles, a resident of Montgomery, has been with Brown Printing Company for 35 years and has served in several capacities of the organization, including president; he is an active member of the Kiwanis Club of Montgomery, as well as many other civic organizations, and is past president of the South Alabama State Fair; he also is the father of two sons, Wade McDevitt, also with Brown Printing Company of Montgomery, and Neal McDevitt, an engineer with Union Camp Paper Corporation's Prattville mill; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this joyous occasion, heartiest congratulations are hereby extended to Mr. and Mrs. Charles Robert McDevitt, for whom a copy of this resolution shall be provided with

sincere regard and best wishes for every future happiness in life.

Also:

**HJR 322. MOURNING THE DEATH OF FRED BASIL GILCHRIST OF GADSDEN, ALABAMA.**

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature mourns the death of Fred Basil Gilchrist of Gadsden, Alabama, on March 27, 1997, at the age of 71 years; and

WHEREAS, a native of Cordova, Mr. Gilchrist served his country with honor as a medic in the United States Army; he also was an active and faithful member of First United Methodist Church and had a deep commitment to his religious beliefs; and

WHEREAS, Mr. Gilchrist received his B. S. Degree in Geology from the University of Alabama, and pursued studies toward his Master's Degree at Auburn University; and

WHEREAS, serving with great leadership abilities as interim executive director of the Boys' Club for 35 years, Mr. Gilchrist also worked with selfless service and enthusiastic participation as a staff member of the Gadsden Center for Cultural Arts; and

WHEREAS, the recipient of numerous awards, Mr. Gilchrist received the prestigious Governor's Arts Award from the Alabama State Arts Council in 1985; and

WHEREAS, he was subsequently responsible for two Boys' Clubs in West and East Gadsden and, in 1990, the Black Creek Road in West Gadsden was re-named the Basil Gilchrist Boys' and Girls' Club in his honor; and

WHEREAS, Mr. Gilchrist's natural talent and immense vocal abilities, as well as his concern for the well-being of his fellowman, have been of inestimable value to, and revered by, admiring fans and friends; and

WHEREAS, left to cherish the memory of Fred Basil Gilchrist are his loving wife, the former Jane Moore; sisters and brothers-in-law, Jessie and Kenneth Fowler and June and L. F. Blackstone; and other family members; and

WHEREAS, countless friends and relatives have been inspired, encouraged, and touched by the care and concern shown by Mr. Gilchrist,

and they will carry with them throughout their lives the experience they have gained from his guidance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our very deepest sympathy to Jane, the devoted wife of Fred Basil Gilchrist, for whom a copy of this resolution of sincere condolence shall be provided.

Also:

**HJR 258.** COMMENDING WAITERS, WAITRESSES, AND OTHER FOOD SERVICE WORKERS.

WHEREAS, the Legislature of Alabama wishes to recognize the contributions of waiters, waitresses, and other workers in the food service industry, an often overlooked vocation, but one vital to the economic prosperity of our state and nation; and

WHEREAS, employees in the food service industry, who work long shifts, often standing the entire time, and who sometimes must endure unappreciative and rude customers, play an instrumental role in the life of all of us; we wonder what would happen if no one performed these necessary services; and

WHEREAS, this legislative body, in addition to being appreciative of these workers, is sensitive to the unfair federal and state income tax treatment these citizens receive, often having their wages overreported by their employers and being subject to wage assumptions which are not always accurate and which often impose an unfair tax burden on these citizens who are admirably attempting to take care of themselves and their families without government assistance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, with admiration and appreciation, the contributions of waiters, waitresses, and other food workers are recognized.

Also:

**HJR 168.** COMMENDING THE SPARKMAN HIGH SCHOOL CHEERLEADERS OF TONEY, ALABAMA.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature most heartily congratulates the Sparkman High School Cheerleaders on winning the National Championship in the Varsity Co-Ed

**27th Day - May 6, 1997**

Cheerleading Division at the Disney MGM Studios, Orlando, Florida, on February 8-9, 1997; and

WHEREAS, giving credit to the National High School Cheerleading Association, the oldest and largest cheerleading organization, the Sparkman cheerleaders are commended for their spirited leadership of students and fans during pep rallies and games; and

WHEREAS, a perennial contender for the championship, the Sparkman cheerleaders have finished in the top six for five of the last six years, won the 1993 National Championship in the all-girls' division, and was the only school to earn a title in more than one division of the championship; and

WHEREAS, this National Championship indeed showcases the exceptional skill and talent of Coach Madonna Holladay and assistants, Henry Vaughn, Laura Pilliteri, and other dedicated staff members; and

WHEREAS, we recognize and commend the outstanding talents of the Sparkman cheerleaders including: Natalie Brazleton, Nikki Brower, Morgan Cox, Brandy Duvall, Dana Eason, April Hammonds, Dawn Hammonds, Tangela Massey, Erik Noble, Steven Ricketts, Scotty Shareck, Betsy Taylor, Jay Taylor, Vanessa Traufler, Brandy Wallace, Amy Welborn, Nancy Vela, and Ashley Wise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Sparkman High School Cheerleaders are congratulated for the exemplary manner in which they performed at the National Cheerleading Competition.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach Holladay for appropriate presentation and school display.

Also:

**HJR 151.** NAMING THE "JACK HANKINS HIGHWAY" IN LAMAR COUNTY.

WHEREAS, the Legislature wishes to honor former House of Representatives member Jack Hankins, who represented Lamar County with distinction from 1947 to 1954, and from 1958 to 1966; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Highway 17 in Lamar

County from Vernon to Sulligent be named the "Jack Hankins Highway" in honor of former House of Representatives member Jack Hankins.

RESOLVED FURTHER, That the appropriate state and local authorities are requested to erect and maintain signs and markers that are appropriate to designate the highway.

Also:

**HJR 214.** ENCOURAGING THE ALABAMA COMMISSION ON HIGHER EDUCATION, THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA, THE DEPARTMENT OF POSTSECONDARY EDUCATION, AND THE STATE'S INSTITUTIONS OF HIGHER EDUCATION TO SUPPORT THE ESTABLISHMENT OF "LEARNING IN RETIREMENT" INSTITUTES AND ORGANIZATIONS.

WHEREAS, the community of retired and semiretired persons in Alabama is constantly increasing in number, and a great many of those persons are active, curious, thoughtful, healthy, and knowledgeable; and

WHEREAS, a substantial portion of this retired community consists of persons with lifelong experiences and educational backgrounds in the professions, the arts, and in business and industry; and

WHEREAS, many of these retired persons are active in the responsibilities of a concerned citizenship, in volunteering, and in contributing to their local communities; and

WHEREAS, this segment of the retired community has the will and experience to manage its affairs and accordingly, desires the pursuit of educational programs that are created, designed, and taught by volunteers who are retired members through membership-governed institutes sponsored by universities and colleges, where the members of these institutes explore higher learning at their own pace, without the need for degrees, grades, or examinations, but simply because they want to continue learning; and

WHEREAS, these institutes draw on the accumulated lifetime experience of their members; the members themselves develop and design their own studies, participate in the necessary work of inquiry and reading, stimulate meaningful discussion, set achievable educational objectives, and carry out the planning and governing of their own activities within, and in support of, their sponsoring institutions; and

WHEREAS, this college-level "Learning in Retirement" movement in the United States has grown rapidly and seeks to gain broader recognition as a mutually beneficial association with universities and colleges through the establishment of member-driven institute learning programs designed for the "Third Age" of retired senior citizens; and

WHEREAS, it is essential to encourage support for membership-driven institutes, and their access to needed campus facilities to ensure success and, in the process, to contribute to the continued mental and physical health of retired senior citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Alabama Commission on Higher Education, the Board of Trustees of the University of Alabama, the Department of Postsecondary Education, and the state's institutions of higher education, to look with favor on the establishment of campus-related, membership-driven, "Learning in Retirement" types of organizations or institutes.

RESOLVED FURTHER, That the governing boards of the state's institutions of higher education are encouraged to provide lists of qualified personnel, consistent with statutory provisions and institutional policies, on their respective campuses who may be contacted by interested parties to initiate discussions on the possibility of establishing these member-driven learning organizations.

FURTHER RESOLVED, That copies of this resolution be transmitted to the Alabama Commission on Higher Education (ACHE), the Board of Trustees of the University of Alabama, the Department of Postsecondary Education and that ACHE distribute a copy of this resolution to each of the state's major institutions of higher education.

Also:

**HJR 126. NAMING THE BRIDGE OVER CODEN BAYOU ON HIGHWAY 188 THE RABBY MEMORIAL BRIDGE.**

WHEREAS, on June 14, 1825, Pierre Rabby, one of four brothers who came to the Mobile area from New Orleans, purchased the land located from Coden Bayou to Clark Road; the property east of Shell Belt Road throughout Coden also belonged to the Rabby family; and

WHEREAS, with their practical ideals, the Rabby men, whose name was originally spelled with one "b", were involved in the shipping business, running schooners between New Orleans and Mobile from 1820 to 1830; and

WHEREAS, in 1832, Anatole Rabby, whose far-sighted efforts as a progressive leader put him in the forefront of the business industry, worked tirelessly and with unselfish devotion in a project known as "Portersville Road" to build roads, wharves, and bridges on Mississippi Sound, an area which became known as the French Coast; and

WHEREAS, Oscar, Clifton, and Charlie Rabby also kept the family vision alive while working with enthusiasm to build Coden Methodist Church along Coden Bayou and their outstanding support of community activities will long be remembered; and

WHEREAS, located on Rabby property, St. Michael's Catholic Church and cemetery are a credit to the community and have provided strong family ties to the Coden residents; and

WHEREAS, the Rabby family is deeply committed to its community responsibilities and have built its own unique traditions in Coden, or Portersville as it was referred to at that time; and

WHEREAS, the Rabby name also has played a vital role in the history of our French Coast, and as a tribute to their contributions to the Coden Bayou, it is our desire that the bridge over Coden Bayou be designated the Rabby Memorial Bridge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge over Coden Bayou on Highway 188 is designated the Rabby Memorial Bridge in memory of all the Rabbys who helped established our French Coast and made it a much better place to live.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Velma Rabby Steele for appropriate family display.

FURTHER RESOLVED, That the appropriate state and local authorities are requested to erect and maintain signs or markers at the Coden Bayou Bridge.

Also:

**HJR 146.** URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO REFRAIN FROM RESTRICTING OUTDOOR GRILLING AND COOKING.

WHEREAS, it has come to our attention that there may be serious consideration by the United States Environmental Protection Agency (EPA)

to ban or restrict outdoor barbecuing, grilling, or cooking of foods by individuals and noncommercial organizations; and

WHEREAS, outdoor grilling and barbecuing are enjoyed and practiced by millions of individuals, including homeowners, apartment dwellers, campers, and civic and charitable organizations; and

WHEREAS, we believe that these noncommercial activities related to outdoor grilling and cooking pose no threat or minimal threat to the nation's environment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the EPA to carefully consider this issue, and to refrain from adopting any policy of limiting, regulating, or prohibiting outdoor cooking, grilling, or barbecuing by noncommercial individuals, groups, and organizations.

RESOLVED FURTHER, That a copy of this resolution be provided to the Director of the United States Environmental Protection Agency as an indication of our sentiments on this issue.

On motion of Senator Dial, said Resolutions, HJR's 425, 424, 423, 342, 408, 411, 414, 413, 409, 276, 275, 109, 274, 324, 323, 99, 325, 321, 326, 201, 200, 322, 258, 168, 151, 214, 126, and 146, were concurred in and adopted by the Senate.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

**SB 447.** Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to provide requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and other persons with obligations to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and



file for injunctions against a provider; to provide an aggrieved party a hearing process and restitution; and to provide for an appropriation to the State Insurance Department from the Service Contract Revolving Fund for the fiscal year ending September 30, 1998.

Also:

**SB 574.** Requiring legislative review and oversight of actions of the Ozone Transport Assessment Group initiated by the United States Environmental Protection Agency; requiring public hearings and legislative review of any proposed state actions related to the atmospheric transport of ozone, including draft and final state implementation plans to be submitted to the U. S. Environmental Protection Agency; and requiring prior legislative approval of and prohibiting the submission of state implementation plans under certain circumstances.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 498.** To provide for an additional circuit judgeship in the 37th Judicial Circuit; to provide for a Family Court Division of the circuit court; and to designate the additional judgeship as the presiding judge in the Family Court Division.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hawk:

**HB 641.** To establish the Uniform Motor Vehicle Records Disclosure Act, prohibiting the disclosure of personal information contained in motor vehicle records, except for certain purposes and under certain conditions; to provide for the resale or redisclosure of the information by an authorized recipient; to provide for the payment of a fee for authorized disclosure; to further provide for information on a driver's license; and to prescribe a penalty for violation of the provisions of the act.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 641 - to the Committee on Economic Expansion and Trade

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hill:

**HB 375.** To provide for the Uniform Multiple-Person Accounts

Act; to define terms; to specify accounts applicable; to specify forms; to provide for the designation of an agent; to specify application; to provide for ownership between parties and others; to specify rights at death and the alteration of rights; to provide that accounts and transfers are nontestamentary; to express rights of creditors and others; to specify authority of financial institutions, the payment on multiple-party accounts, the payment on a POD designation, the payment to a designated agent and a minor, and for discharge and setoff; and to provide for a short title, construction, application of principles of law, transitional provisions and a delayed effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 375 - to the Committee on Banking and Insurance

### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

**HB 554.** To amend Section 26-1-2, Code of Alabama 1975, relating to durable powers of attorney; authorizing the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

said Governor's Message being in words and figures as follows, to-wit:

### MESSAGE FROM THE GOVERNOR

To the House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

2322 JOURNAL OF THE SENATE, REGULAR SESSION 1997  
27th Day - May 6, 1997

I transmit herewith to you a message from the Governor, returning House Bill No. 554, without the Governor's signature and with a suggested Executive Amendment.

Done this 1st day of May, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the  
Governor.

To the House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 554, without my signature, but with the following suggested Executive Amendment.

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 554:

Please amend on page 7, line 4, after the word "attorney" and before the word "who," by inserting the following language "which includes provisions which comply with subparagraph (g)(2) of this act regarding health care decisions."

Please further amend on page 7, line 13, after the word "may" and before the comma (,), the word "have." Please further amend on page 7, line 14, after the word "to" and before the word "effect," by deleting the word "the."

Please further amend on page 8, line 15 after the word "directive" and before the word "health" by inserting the word "for."

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done this 1st day of May, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 554, by a vote of a majority of those voting, said vote being: Yeas 88, Nays 0.

And said Bill, HB 554, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Freeman, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 554, the title of which and said Executive Amendment are set out in the foregoing Message from the House.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Armistead, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nays:

- 0

which was a majority of the whole number elected to the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

**HB 312.** Relating to elections; amending Sections 17-22A-2, 17-22A-7, 17-22A-22, 36-25-1, 36-25-6, 36-25-14, and 36-25-15, Code of Alabama 1975, to further regulate the financing of political campaigns and to provide further for penalties for violations.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Reps. Venable, Newton (D), and Rogers (M).

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dial, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 312, the title of which is set out in the foregoing Message from the House.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Armistead, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nays:

- 0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Dial, Dixon, and Freeman.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hill and Knight (A):

**HB 231.** To amend Section 11-41-8, Code of Alabama 1975, relating to validation of prior attempted incorporations by municipalities, to further provide for the validation of attempted incorporation prior to the effective date of this act.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 231 - to the Committee on Tourism and Marketing

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Resolution:

By Reps. Johnson (R), Gaston, Turner, and Dean:

**HJR 78. CREATING THE JOINT INTERIM COMMITTEE ON BIRTH DEFECTS AND MONITORING.**

said Governor's Message being in words and figures as follows, to-wit:

**MESSAGE FROM THE GOVERNOR**

To the House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Joint Resolution No. 78, without the Governor's signature and with a suggested Executive Amendment.

Done this 25th day of February, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the  
Governor.

To the House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Joint Resolution No. 78, without my signature, but with the following suggested Executive Amendment.

**EXECUTIVE AMENDMENT TO HOUSE JOINT RESOLUTION NUMBER 78:**

Please amend on page 3, line 11, by removing the following sentence:

“The committee shall have subpoena power.”

The adoption of the above suggested Executive Amendment will remove my objections to this resolution.

Done this 25th day of February, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, HJR 78, by a vote of a majority of those voting, said vote being: Voice Vote.

And said Resolution, HJR 78, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Mitchem, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, HJR 78, the title of which and said Executive Amendment are set out in the foregoing Message from the House.

Yeas 29 Nays 0

Yeas:

Senators:

Adams, Armistead, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -29

Nays:

- 0

which was a majority of the whole number elected to the Senate.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (P):

**HB 457.** To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 457 - to the Committee on Business and Labor

**BUDGET ISOLATION RESOLUTION**

Senator Amari requested and received permission to suspend the Rules in order to bring up the Bill, HB 309.

Senator McClain, B.I.R., HB 309, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bedford, Biddle, Butler, Davidson, Dial, Dixon, Escott-Russell, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner

-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 309.** Relating to Class 1 municipalities; to provide subject

to voter approval of a referendum election on the subject, for the election of the city board of education from nine single-member districts.

was taken up.

On motion of Senator Amari, further consideration of the Bill, HB 309, was indefinitely postponed.

### **BUDGET ISOLATION RESOLUTION**

Senator Amari then requested and received permission to suspend the Rules in order to bring up the Bill, HB 161.

Senator McClain, B.I.R., HB 161, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Bedford, Biddle, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Lindsey, Lipscomb, Little, McClain, Myers, Poole, Sanders, Smith, Smitherman, Waggoner, and Windom  
-25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 161.** Providing for the election of the board of education of the City of Fairfield; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Fairfield.

was taken up.

On motion of Senator Amari, further consideration of the Bill, HB 161, was indefinitely postponed.

**BUDGET ISOLATION RESOLUTION**

Senator Amari then requested and received permission to suspend the Rules in order to bring up the Bill, HB 682.

Senator McClain, B.I.R, HB 682, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Hale, Hill, Langford, McClain, Myers, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 682.** To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Fairfield in Jefferson County and may provide further for the operation of the board.

was taken up.

On motion of Senator Amari, further consideration of the Bill, HB 682, was indefinitely postponed.

**POINT OF PERSONAL PRIVILEGE**

Senators Escott-Russell, McClain, and Smitherman requested that the following statement be spread upon the Journal, to-wit:

“We would like for the Journal to reflect that had we been allowed a roll call vote on HB’s 309, 161, and 682, we would have voted ‘Nay’ on the motions to indefinitely postpone offered by Senator Amari.”

Which was read and ordered filed with the Secretary.

**BUDGET ISOLATION RESOLUTION**

Senator Figures requested and received permission to suspend the

Rules in order to bring up the Bill, SB 688.

Senator Figures, B.I.R., SB 688, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Armistead, Bailey, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 688.** Relating to insurance, to provide further for the regulation of health insurance by authorizing the Commissioner of Insurance to create a high risk pool to provide health insurance coverage to eligible individuals to be called the Alabama Health Insurance Plan, and also to promote the availability of health insurance coverage to small employers regardless of their health status or claims experience; to provide a premium tax offset for insurers funding the plan; to provide immunity to insurers participating in the plan; to exempt the plan from any taxation, and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

Yeas:

Senators:

Armistead, Bailey, Bedford, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -28

Nays:

- 0

On motion of Senator Figures, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 688.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman requested and received permission to suspend the Rules in order to bring up the Bill, SB 593.

Senator Bedford, B.I.R., SB 593, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Bedford, Biddle, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, McClain, Mitchem, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 593.** Providing for a board of education for the City of Bessemer; providing that the members of the board shall be elected from defined districts; providing for the selection of a chair; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; and providing certain transitional provisions.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, McClain, Mitchell, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Bedford, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 593.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 636.

Senator Dial, B.I.R., SB 636, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Hale, Langford, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Steele, and Waggoner -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 636.** Relating to Clay County; to repeal Act 82-269, H. 736, of the 1982 Regular Session, relating to the administration of absentee voting in the county.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Ghee, Hill, Lindsey, Little, Mitchell, Mitchem, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Dial, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 636.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 637.

Senator Dial, B.I.R., SB 637, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchem, Myers, Sanders, Smith, Smitherman, Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 637.** Relating to Clay County; to repeal Act 79-199, H. 638, of the 1979 Regular Session, relating to the maintenance of private roads in the county.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedford, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Steele, and Waggoner-25

Nays:

- 0

On motion of Senator Dial, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 637.

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 638.

Senator Bedford, B.I.R., SB 638, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Den-

ton, Dial, Dixon, Ghee, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, and Waggoner -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**SB 638.** Relating to Calhoun County; abolishing the office of constable.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Barron, Bedford, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Steele, and Windom -25

Nays: - 0

On motion of Senator Bedford, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 638.

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 640.

Senator Bedford, B.I.R., SB 640, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lipscomb, Little, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, and Steele -25

Nays: - 0



**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**SB 640.** Relating to Calhoun County; authorizing the Calhoun County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, and other litter, including discarded tires, within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards and similar establishments; and to provide for the annual license fee for the privilege of operating a junkyard and similar establishments in the unincorporated area of the county under certain conditions.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, SB 640, to-wit:

**AMENDMENT TO SB 640**

On page 1, line 25, after the word "conditions" insert the following:

"; and to exempt junkyards licensed by the county commission, existing on January 1, 1997"

On page 5, insert a new Section 5 as follows and renumber existing sections accordingly:

"Section 5. This act shall not be applicable to junkyards licensed by the county commission, existing on January 1, 1997."

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Little, McClain, Mitchell, Myers, Poole, Smith, Smitherman, Waggoner, and Windom

-25

Nays:

- 0

Senator Ghee offered the following substitute for Bill, SB 640, as amended, to-wit:

**SUBSTITUTE FOR SB 640, AS AMENDED**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Calhoun County; authorizing the Calhoun County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, and other litter, including discarded tires, within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards and similar establishments; to provide for the annual license fee for the privilege of operating a junkyard and similar establishments in the unincorporated area of the county under certain conditions; to exempt junkyards licensed by the state existing on January 1, 1997; to provide for notice of rules, regulations, and resolutions and ordinances to implement this act; and to exempt certain agricultural or farm land.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. The regulation of the accumulation and storage of junk, and other litter, including, but not limited to, discarded tires, within the unincorporated areas of Calhoun County, and licensing the operation of junkyards and similar establishments within the unincorporated areas of Calhoun County is hereby declared to be in the public interest and necessary to promote the public safety, health, welfare, and enjoyment of public travel; to protect the public investment in public highways; to preserve and enhance the scenic beauty of lands and the environment; and to promote the conservation of natural mineral resources by encouraging recycling. The Legislature finds and declares that within the unincorporated areas of Calhoun County the accumulation and storage of junk, and other litter, including, but not limited to, discarded tires, and the operation of junkyards, any of which do not conform to the requirements of this act, are a public nuisance.

Section 2. (a) It is unlawful and constitutes a public nuisance for the owner or other person in charge or in control of a lot, junkyard, or other premises, within the unincorporated territory of Calhoun County to fail to keep the lot, junkyard, or premises clean and free from junk, and litter,

including, but not limited to, discarded tires, and any materials within which water may accumulate or which may shelter or encourage the growth of insects or rodents, or materials which generate obnoxious odors, or which offend the esthetics of the community, and which thereby cause a substantial diminution in the value of other property nearby or which threaten the health and safety of any citizen.

(b) This act shall not apply to any company, corporation, or business currently operating, whose primary purpose or business is to burn or incinerate wood materials, salvage materials, building refuse, waste products, timber stumps, trees, or brush and other debris that results from clearing land, cutting timber, or refurbishing or constructing buildings. This act shall not apply to farm buildings or farm equipment and farm materials stored around farm buildings on a farm.

Section 3. (a) No person shall establish, operate, or maintain a junkyard or similar establishment containing any items listed in Section 1 of this act, but not limited to those items, without obtaining a county license to do so from the county commission through the county license commissioner or other like official. No provision of this section shall be construed to prohibit ingress and egress to a legitimate business establishment. No license shall be granted except for those junkyards or similar establishments which are screened by natural objects, plantings, fences, or other appropriate means so as to deter visibility from the highway. The operation of an unlicensed junkyard or similar establishment required to be licensed pursuant to this section constitutes a public nuisance.

(b) The county commission shall adopt regulations and requirements for issuing licenses for the operation of junkyards or similar establishments within the limits defined in this act, and may revoke the licenses at any time a junkyard or similar establishment fails to conform to the requirements of this act, and shall charge a license fee of not more than one hundred and fifty dollars (\$150) nor less than fifty dollars (\$50) payable each fiscal year. This license fee shall be in addition to the license fee required under Section 23-1-244, Code of Alabama 1975, and any other license fee or tax required by law. All licenses issued under this act shall expire on September 30 following the date of issue. Licenses may be renewed from year to year upon payment of the fee. Proceeds from the fees shall be deposited in the general fund of the county. No local ordinance, resolution, rule, or regulation pertaining to this act may be proposed or implemented unless first defined and advertised in a newspaper of local circulation at least once per week for three consecutive weeks prior to a final vote by the county commission with an opportunity for a public hearing with notice thereof stated.

Section 4. (a) This act shall be enforced by the Calhoun County Commission.

(b) The Calhoun County Commission may commence a civil action in the name of the Calhoun County Commission in the Circuit Court of Calhoun County, Alabama, to abate or enjoin any public nuisances declared by this act. In any action pursuant to this subsection, the Circuit Court of Calhoun County, Alabama, is authorized to assess all costs of abating the public nuisance declared by this act, including attorney's fees, court costs, and all other expenses of litigation, and including all costs of and expenses for abating, remedying, or cleaning-up the source or cause of the public nuisance, against the person or entity creating or maintaining the public nuisance if the person or entity is found to be in violation of this act.

Section 5. This act shall not be applicable to junkyards licensed by the state existing on January 1, 1997.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dixon, Escott-Russell, Figures, Ghee, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Poole, Roberts, Sanders, Smith, Smitherman, and Windom

-25

Nays:

- 0

And said Bill, SB 640, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bedford, Clay, Denton, Dial, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Bedford, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 640.

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 641.

Senator Bedford, B.I.R., SB 641, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dixon, Ghee, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smitherman, Steele, and Waggoner -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 641.** Relating to Calhoun County; providing for the distribution of the proceeds of the state excise tax on beer levied pursuant to Chapter 3 of Title 28 of the Code of Alabama 1975; and ratifying and validating distributions of the tax proceeds prior to October 1, 1995.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Ghee, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell,

Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, and Waggoner -25

Nays: - 0

On motion of Senator Bedford, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 641.

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 600.

Senator Butler, B.I.R., SB 600, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Poole, Roberts, Smitherman, Steele, and Waggoner -25

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 600.** To alter and rearrange the boundary lines and corporate limits of the municipality of Huntsville in Madison County to remove certain property from the corporate limits of the municipality.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Lindsey, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Steele, and Windom -25

Nays: - 0

On motion of Senator Butler, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 600.

### **BUDGET ISOLATION RESOLUTION**

Senator Bedford requested and received permission to suspend the Rules in order to bring up the Bill, SB 657.

Senator Bedford, B.I.R., SB 657, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 657.** Providing for the purchase of prior service credit in the Judicial Retirement Fund subject to certain conditions by a judge who has returned to membership in the retirement fund after previously withdrawing his or her membership contributions from the retirement fund.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

On motion of Senator Bedford, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 657.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman requested and received permission to suspend the Rules in order to bring up the Bill, SB 601.

Senator Butler, B.I.R., SB 601, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Roberts, Sanders, Smitherman, Steele, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 601.** To alter and rearrange the boundary lines and corporate limits of the municipality of Huntsville in Madison and Limestone Counties to remove certain property from the corporate limits of the municipality.

was taken up.

Senator Butler offered the following substitute for the Bill, SB 601, to-wit:

**SUBSTITUTE FOR SB 601**

A BILL  
TO BE ENTITLED  
AN ACT

To alter and rearrange the boundary lines and corporate limits of the municipality of Huntsville in Madison and Limestone Counties to remove certain property from the corporate limits of the municipality.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits of the municipality of Huntsville in Madison County and Limestone County are altered and rearranged to remove from the corporate limits of the municipality all



of the following territory, described in the following tracts which is north of the Huntsville sewer easement:

TRACT I

All that part of the East half of the East half of Section 21, of the Northwest quarter of the Southwest quarter of Section 22, and of the Northeast quarter of the Northeast quarter of Section 28, all in Township 3 South, Range 2 West, more particularly described as beginning at the center of the East boundary of said Section 21; thence East along the quarter section line of said Section 22, 9.46 chains; thence South 1/2 degree West 15.75 chains; thence West 9.48 chains to a point on the East boundary of said Section 21; thence with same South 1/2 degree West 36.24 chains to a point on the North margin of Athens Pike; thence with same South 76 3/4 degrees West 18.45 chains; thence North 1/2 degree East 56.60 chains; thence East 18.00 chains to a point on the East boundary of said Section 21; thence with same South 1/2 degree West 1.00 chain to the point of beginning and containing 112.37 acres, more or less.

LESS AND EXCEPT:

All that part of the Northwest Quarter of the Southwest Quarter of Section 22, Township 3 South, Range 2 West, more particularly described as beginning at the center of the West boundary of said Section 22; thence East 9.46 chains along the quarter section line of said Section 22 to a point; thence South 1/2 degrees West 6.35 chains to a point; thence West 9.46 chains parallel with the quarter section line of said Section 22 to the West boundary of said Section 22, thence North 1/2 degrees East 6.35 chains along the West boundary of said Section 22 to the point of true beginning and containing 6.0 acres, more or less.

AND LESS AND EXCEPT:

A parcel of land situated in the Southeast 1/4 of section 21, Township 3 South, Range 2 West in Madison County, Alabama particularly described as follows; Commence at a point where the North right-of-way line of Highway No. 72 West intersects the West right-of-way line of Nance Road, thence run North along the West right-of-way line of Nance Road for 1,643.0 feet to the point of beginning; thence continue on the last described course for 512.0 feet; thence turn 90 degrees left and run West for 512.0 feet; thence turn 90 degrees left and run South for 512.0 feet; thence turn 90 degrees left and run East for 512.0 feet to the point of beginning, said parcel contains 6.0 acres, more or less.

TRACT II

All that part of the Northwest Quarter of the Southwest Quarter of Section 22, Township 3 South, Range 2 West, more particularly described as beginning at the center of the West boundary of said Section 22; thence East 9.46 chains along the quarter section line of said Section 22 to a point; thence South 1/2 degrees West 6.35 chains to a point; thence West 9.46 chains parallel with the quarter section line of said Section 22 to the West boundary of said Section 22, thence North 1/2 degrees East 6.35 chains along the West boundary of said Section 22 to the point of true beginning and containing 6.0 acres, more or less.

Section 2. All property described in the above tracts in Section 1 which are south of and including the Huntsville sewer easement shall remain in the City of Huntsville.

Section 3. In accordance with Section 11-42-6 of the Code of Alabama 1975, a map showing the proposed territory to be removed from the municipality of Huntsville is on file and open to public inspection in the offices of the Judges of Probate in Madison County and Limestone County, Alabama.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Little, McClain, Mitchem, Myers, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

And said Bill, SB 601, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey,

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Little, Mitchem, Roberts, Sanders, Smitherman, Steele, Waggoner, and  
Windom -25

Nays: - 0

On motion of Senator Butler, the provisions of Rule 34(b) were  
suspended to allow transmittal to the House of the Bill, SB 601.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to sus-  
pend the Rules in order to bring up the Bill, SB 603.

Senator Clay, B.I.R., SB 603, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Clay, Davidson, Escott-Russell, Figures, Free-  
man, Hale, Langford, Lindsey, Little, McClain, Myers, Poole, Roberts,  
Smith, Smitherman, Steele, and Windom -20

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 603.** Relating to Macon County; to amend Section 15 of Act  
83-575, 1983 Regular Session, as amended, relating to the Macon County  
Racing Commission; to further provide for the distribution of the net pro-  
ceeds of fees, commissions, taxes, and other monies received by the Macon  
County Racing Commission from the operation of the racetrack.

was read a third time at length and passed, and ordered sent forthwith to the  
House.

Yeas 20 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Clay, Davidson, Escott-Russell, Figures, Free-  
man, Hale, Langford, Lindsey, Little, McClain, Myers, Poole, Roberts,  
Smith, Smitherman, Steele, and Windom -20

Nays: - 0

On motion of Senator Clay, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 603.

### **BUDGET ISOLATION RESOLUTION**

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill, HB 14.

Senator Bailey, B.I.R., HB 14, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 14.** Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

was read a third time at length and passed.

Yeas 18 Nays 3

Yeas:

Senators:

Armistead, Bailey, Bedford, Butler, Clay, Davidson, Denton, Escott-Russell, Figures, Hale, Langford, McClain, Mitchem, Myers, Roberts, Smith, Smitherman, and Steele -18

Nays:

Senators:

Lipscomb, Poole, and Windom

- 3

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman requested and received permission to suspend the

Rules in order to bring up the Bill, SB 665.

Senator Smitherman, B.I.R., SB 665, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bedford, Biddle, Butler, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 665.** Relating to Fayette County; authorizing the Fayette County Commission to levy an additional one-cent sales and use tax for the purpose of financing the acquisition, construction, development, and financing of the Tom Bevill Reservoir Management Area, as well as to provide fire protection services in the county; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date for the additional tax.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bedford, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Smitherman, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 665.

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 667.

Senator Steele, B.I.R., SB 667, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Little, McClain, Mitchell, Mitchem, Sanders, Smith, Smitherman, Steele, and Waggoner -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 667.** Relating to the City of Oxford in Calhoun County; to amend Sections 3 and 12, Act 963, S. 1177, 1975 Regular Session, to include department heads under the city civil service act; and to provide further for the probationary period of employment in the civil service system.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Biddle, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Smitherman, Steele, and Windom -25

Nays:

- 0

On motion of Senator Steele, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 667.

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 652.

Senator Windom, B.I.R., SB 652, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Butler, Clay, Dial, Dixon, Escott-Rus-

sell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Steele, and Windom -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**SB 652.** To provide for a retirement system for police and firefighters of the City of Mobile, Alabama; providing for membership and service requirements, eligibility, amount, and payment of benefits; providing for employer and employee contributions to the system; providing for administration and management of the system under a board of trustees; providing for certain limitations on benefits to certain employees; providing for appeals from decisions made by the board; and repealing Act 243, H. 278, 1964 First Special Session (Acts 1964, p. 326), Act 400, H. 564, 1965 Regular Session (Acts 1965, p. 576), Act 359, H. 366, 1966 Special Session (Acts 1966, p. 499), Act 180, H. 167, 1967 Regular Session (Acts 1967, p. 231), Act 1484, S. 1030, 1971 Regular Session (Acts 1971, p. 2540), Act 887, S. 740, 1978 Regular Session (Acts 1978, p. 1315), Act 80-339, H. 875, 1980 Regular Session (Acts 1980, p. 458), Act 85-231, H. 211, 1985 Regular Session (Acts 1985, p. 130), Act 85-312, H. 176, 1985 Regular Session (Acts 1985, p. 211), Act 85-938, H. 129, 1985 Special Session (Acts 1985, p. 241), Act 86-475, H. 478, 1986 Regular Session (Acts 1986, p. 900), Act 90-198, S. 566, 1990 Regular Session (Acts 1990, p. 229), Act 91-701, H. 980, 1991 Regular Session (Acts 1991, p. 1365), and Act 95-571, H. 598, 1995 Regular Session (Acts 1995, p. 1194).

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Davidson, Denton, Dial, Figures, Freeman, Ghee, Hale, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays: - 0

On motion of Senator Windom, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 652.

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill:

**SB 666.** Relating to Etowah County; to amend Sections 2 and 3, Act 95-284, H. 73, 1995 Regular Session, relating to the collection and distribution of the county sales and use tax effective January 1, 1996, to provide for the administration and collection of the tax by either the Etowah County Commission or a private entity; and to provide for annual distribution of the proceeds.

On motion of Senator Smith, the Rules were suspended and further consideration of the Bill, SB 666, was postponed subject to the call of the Chair.

### **BUDGET ISOLATION RESOLUTION**

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill, SB 619.

Senator Bailey, B.I.R., SB 619, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Hale, Hill, Langford, Lipscomb, Little, Mitchell, Mitchem, Myers, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 619.** Relating to the City of Dothan in Houston County; to amend Section 2 of Act 543, H. 1252 of the 1977 Regular Session (Acts 1977, p. 711), providing for membership in the City of Dothan Pension and Retirement System, to provide for optional membership in the system for the city manager and the city attorneys; and to amend and reenact Section 4 of Act 91-487, H. 622 of the 1991 Regular Session (Acts 1991, p. 878), to provide further for the authorized investments of the pension board.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0



Yeas:

Senators:

Adams, Bailey, Barron, Biddle, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays:

- 0

On motion of Senator Bailey, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 619.

### BUDGET ISOLATION RESOLUTION

Senator Freeman requested and received permission to suspend the Rules in order to bring up the Bill, SB 672.

Senator Smitherman, B.I.R., SB 672, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Clay, Davidson, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**SB 672.** Relating to Macon County; providing that the members of the county commission shall run for election from four single-member districts; providing that the chair of the county commission shall run for election at-large; providing that the chair of the county commission shall serve full time; providing for the compensation of the chair of the county commission and the members of the county commission; providing for the operation and personnel of the county commission; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; defining the authority, powers, and duties of the county engineer and county commission; and repealing Act 334, H. 826, of the 1939 Regular Session (Local Acts, 1939, p. 225); Act 216, H. 669, of the 1969 Regular Session (Acts 1969, p. 535); Act 1996, H. 2195 of the 1971 Regular Session (Acts 1971, p. 3238); Act 84-583, H. 884 of the 1984 Regular

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Session (Acts 1984, p. 1218); Act 90-313, H. 798 of the 1990 Regular Session (Acts 1990, p. 428); and Act 91-817, H. 78 of the 1991 Regular Session (Acts 1991, p. 217).

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Butler, Clay, Davidson, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Myers, Roberts, Smith, Smitherman, Waggoner, and Windom -25

Nays: - 0

On motion of Senator Smitherman, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 672.

### **BUDGET ISOLATION RESOLUTION**

Senator Smith requested and received permission to suspend the Rules in order to bring up the Bill, HB 864.

Senator Smith, B.I.R., HB 864, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Clay, Denton, Dixon, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 864.** Relating to Etowah County; to amend Sections 2 and 3, Act 95-284, H. 73, 1995 Regular Session, relating to the collection and distribution of the county sales and use tax effective January 1, 1996, to provide for the administration and collection of the tax by either the Etowah

County Commission or a private entity; and to provide for annual distribution of the proceeds.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Smith, B.I.R., SB 666, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, and Steele-25

Nays:

- 0

### **FURTHER CONSIDERATION OF SB 666**

The Senate proceeded to further consideration of the Bill, SB 666.

On motion of Senator Smith, further consideration of the Bill, SB 666, was indefinitely postponed.

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman requested and received permission to suspend the Rules in order to bring up the Bill, SB 674.

Senator Steele, B.I.R., SB 674, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Clay, David-

son, Denton, Dial, Escott-Russell, Freeman, Ghee, Hale, Hill, Lipscomb, Mitchell, Mitchem, Myers, Poole, Roberts, Smitherman, Steele, and Windom -25

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**SB 674.** Relating to Tuscaloosa County; to amend Section 2 of Act 94-568, H. 897, 1994 Regular Session (Acts 1994, p. 1040), relating to the Office of the Sheriff in Tuscaloosa County; to provide further for the compensation of the chief jailer.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Ghee, Hale, Hill, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays: - 0

On motion of Senator Steele, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 674.

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 67.

Senator Windom, B.I.R., SB 67, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Clay, Denton, Dixon, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Steele, and Windom-25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 67.** Relating to Mobile County; to provide for site-based management for the Mobile County School System and to provide for a referendum.

was taken up.

The Standing Committee on Local Legislation No. 3 reported the following substitute for the Bill, SB 67, to-wit:

**SUBSTITUTE FOR SB 67**

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Mobile County; to provide pilot programs for site-based management for the Mobile County School System.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This act shall only apply to the Mobile County School System.

(b) By January 1, 1999, the Mobile County School Board shall adopt a policy for implementing pilot programs for school-based decision making beginning with the 1999-2000 school year pursuant to this act and shall select schools to participate in the pilot program as follows:

- (1) One elementary school in each Senate district.
- (2) One middle school selected from the county.
- (3) One high school selected from the county.

Section 2. Each public school in a pilot program shall form a school council which shall be composed of three parent representatives, two teachers, and the principal or administrator. These six members shall select a seventh member who shall not be a relative of any other member of the school council. The seventh member need not be a parent, but shall be an individual interested in the participating school. The parent representatives on the school council shall not be relatives of any employee of the

school. Any vacancy on the school council shall be filled by the remaining members for the remainder of the unexpired term.

Section 3. The teacher representatives in a pilot program shall be selected for two-year terms by a majority of voting teachers at the school. The parent representatives on the school council shall be selected as follows: two parent representatives shall be parents of children in the school and shall be selected for two-year terms by a majority of voting parents of the school as a whole. One parent representative shall be the president of the officially recognized parent-teacher organization at each school. If there is no active parent-teacher organization, a third parent representative shall be selected. The principal or administrator shall be the chair of the school council.

Section 4. No member of a school council in a pilot program shall participate in any vote or decision of the school council until the member has satisfactorily completed a school council training course as provided herein. The Mobile County School Board shall establish a school training course which each school council member shall attend. The course shall be held in the evenings or during the weekends and shall be held at locations within the district. The course shall be held at least once each quarter, but may be cancelled by the Mobile County School Board if no new members of the school councils are in need of training.

Section 5. Subject to applicable state and federal laws, the school council in a pilot program shall participate in setting school policy which shall provide an environment to enhance the achievement of the students and help the school meet the goals established by this act. The principal shall be the primary administrator and the instructional leader of the school in a pilot program, and with the assistance of the total school staff shall administer the policies established by the Mobile County School Board and as developed by the school council.

Section 6. The school council in a pilot program shall determine the frequency of and agenda for their meetings but shall meet at least once a month. Matters relating to formation of school councils in a pilot program that are not provided for by this act shall be addressed by the Mobile County School Board policy. The school board shall develop a policy and system relating to the reporting of the school councils. The policy shall require that reports by a school council in a pilot program be submitted to the school board at uniform periods on forms developed by the school board that shall be used by each school council.

Section 7. The meetings of the school council in a pilot program shall be open to the public and all interested persons may attend. Not-

withstanding the foregoing, the exceptions to open meetings provided in the sunshine law, Section 13A-14-2, Code of Alabama 1975, shall apply.

Section 8. The school board shall adopt a policy establishing which monies may be budgeted and spent by a school council in a pilot program. The school board shall allocate funds each year to be spent by a school council in a pilot program. The allocation to each school shall be based solely on average daily membership as defined in Section 16-13-232, Code of Alabama 1975. The funds allocated by the school board to be spent by a school council in a pilot program are not subject to and are exempt from the competitive bid law, Sections 41-16-20 to 41-16-63, inclusive, Code of Alabama 1975. After receiving notification of the funds available for the school from the school board, the school council in a pilot program shall determine, within the parameters established by the school board how the funds will be spent.

Section 9. The principal of each school in a pilot program shall be responsible for the collection and allocation of all sums and monies as determined by the school council.

Section 10. The school board shall adopt a policy for filling a vacancy in the position of principal at each school that will allow for significant input from school councils. Requests for transfer, termination of employees, and other personnel decisions shall conform to any statutory provisions or policies of the Mobile County School Board.

Section 11. The school council in a pilot program shall not have authority to control, assign, or transfer individual students and this authority shall remain with the school board.

Section 12. Subject to applicable state and school board guidelines and statutory state and federal provisions, the school council in a pilot program shall adopt a policy to be implemented by the principal in the following additional areas:

(1) Recommendation of optional courses to be approved by the school board.

(2) Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the school board.

(3) Determination of the use of school space by outside groups during the school day and after school hours.

(4) Selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal.

(5) Selection of extracurricular programs and determinations of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision.

(6) Mandating and selection of school uniforms.

Section 13. Subject to applicable state guidelines and statutory provisions, the policy adopted by the school board to implement school-based decision making shall also address the following:

(1) School budget and administration, including, but not limited to, discretionary funds, activity and other school funds, funds for maintenance, supplies and equipment, and accounting and auditing.

(2) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, and the community.

(3) School improvement plans, including the form and function of strategic planning and its relationship to district planning.

(4) Any professional development plans developed by the school board.

(5) Parent, citizen, and community participation, including the relationship of the school council with other groups.

(6) Cooperation and collaboration within the district and with other public and private agencies.

(7) Requirements for waiver of district policies.

(8) Requirements for record keeping by the school council.

(9) A process for appealing a decision made by a school council.

Section 14. In addition to the authority granted to a school council in a pilot program in this act, the school board may grant to a school council any other authority permitted by law. The members of a school council in a pilot program are immune from civil liability for any claims arising from acts in the course of pursuing their duties as members of the school



council if those acts were made in good faith and without malice to the same extent as currently provided by law for teachers and school board members.

Section 15. The school board shall provide professional development activities to assist schools in implementing school-based decision making.

Section 16. A school selected to the pilot program may choose to be exempt from the administrative structure set forth by this act and may develop a model for implementing school-based decision making, including, but not limited to, a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model to the school board for approval which shall not be unreasonably withheld. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, teachers, and the principal or administrator of the school and that two-thirds of the faculty have agreed to the model.

Section 17. Except as otherwise provided in this act, all funds to be allocated to the school councils in a pilot program that are administered by or come into the possession of the school board shall be allocated and released within 30 days to the school councils.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Figures, Freeman, Ghee, Hale, Langford, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

And said Bill, SB 67, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Windom, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 67.

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 80.

Senator Windom, B.I.R., SB 80, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Dial, Dixon, Figures, Freeman, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 80.** Relating to Mobile County; requiring the board of school commissioners to adopt a dress code for students.

was taken up.

The Standing Committee on Local Legislation No. 3 reported the following substitute for the Bill, SB 80, to-wit:

### **SUBSTITUTE FOR SB 80**

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Mobile County; requiring the board of school com-

missioners to adopt a dress code for students.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This bill shall only apply to Mobile County.

Section 2. (a) The Legislature finds and declares each of the following:

(1) The children of Mobile County have the right to an effective public school education. Both students and staff of the primary, elementary, junior, and senior high school campuses have the constitutional right to be safe and secure in their persons at school. However, children in many of our public schools are forced to focus on the threat of violence and the messages of violence contained in many aspects of our society, particularly reflected in gang regalia that disrupts the learning environment.

(2) "Gang-related apparel" is hazardous to the health and safety of the school environment.

(3) Instructing teachers and administrators on the subtleties of identifying constantly changing gang regalia and gang affiliation takes an increasing amount of time away from educating our children.

(4) Weapons, including firearms and knives, have become common place upon even our elementary school campuses. Students often conceal weapons by wearing clothing, such as jumpsuits and overcoats, and by carrying large bags.

(5) The adoption of a schoolwide uniform policy is a reasonable way to provide some protection for students. A required uniform may protect students from being associated with any particular gang. Moreover, by requiring schoolwide uniforms teachers and administrators may not need to occupy as much of their time learning the subtleties of gang regalia.

(6) To control the environment in public schools to facilitate and maintain an effective learning environment and to keep the focus of the classroom on learning and not personal safety, schools need the authorization to implement uniform clothing requirements for our public school children.

(7) Many educators believe that school dress significantly influences pupil behavior. This influence is evident on school dress up days and color days. Schools that have adopted school uniforms experience a "coming together feeling," greater school pride, and better behavior in and out of the classroom.

(b) The board of school commissioners is authorized to adopt a reasonable dress code policy that requires pupils to wear a schoolwide uniform.

(c) A dress code policy that requires pupils to wear a schoolwide uniform shall be implemented by November 3, 1997.

(d) A policy adopted pursuant to this act shall not preclude pupils that participate in a nationally recognized youth organization from wearing organization uniforms on days that the organization has a scheduled meeting.

(e) The board of school commissioners shall not be responsible for the purchase of school uniforms for indigent students, however the board may authorize programs to promote donations of funds and/or uniforms to assist indigent students.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Armistead, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Sanders, Smitherman, Waggoner, and Windom -25

Nays:

- 0

And said Bill, SB 80, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Clay, Dial, Dixon, Figures, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays:

- 0

On motion of Senator Windom, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 80.

### BUDGET ISOLATION RESOLUTION

Senator Myers requested and received permission to suspend the Rules in order to bring up the Bill, HB 545.

Senator Myers, B.I.R., HB 545, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smith-erman, Waggoner, and Windom  
-30

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 545.** To amend Section 33-2-185, 33-2-188 and 33-2-189, Code of Alabama (1975) which relate to the sale and issuance by Alabama State Docks Department of its dock facilities revenue bonds and refunding bonds, to provide for public sale of such bonds to the bidder therefor whose bid reflects the lowest true interest cost to the department for the series of bonds being sold thereby, to permit the public sale of such bonds upon publication of summary notice thereof, provide such summary notice shall be published at least one time not less than 10 days prior to the date fixed for such sale, and to permit the department to pay out of the proceeds of such bonds the cost of any surety bond or bonds that the department may cause to be deposited in a reserve account or fund to further secure the payment of the principal of, premium, if any, and the interest on the department's dock facilities revenue bonds and refunding bonds.

was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little,

McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smith-  
erman, Waggoner, and Windom -30

Nays: - 0

### **BUDGET ISOLATION RESOLUTION**

Senator Smith requested and received permission to suspend the Rules in order to bring up the Bill, SB 6.

Senator Smith, B.I.R., SB 6, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smith-erman, Waggoner, and Windom -30

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 6.** Providing for a member of the Employees' Retirement System to purchase credit in the system for certain prior service rendered to the United States Social Security Administration by a certain date.

was taken up.

The Standing Committee on Fiscal Responsibility and Accountability reported the following amendment to the Bill, SB 6, to-wit:

### **AMENDMENT TO SB 6**

Amend SB 6 on page 2, line 11 after the word "compensation" by inserting the following:

"or average final compensation, whichever is greater"

Further amend on page 2, line 13 after the word "compensation" by inserting the following:

“or average final compensation, whichever is greater,”

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

And said Bill, SB 6, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -30

Nays:

- 0

On motion of Senator Smith, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 6.

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman requested and received permission to suspend the Rules in order to bring up the Bill, SB 539.

Senator Bailey, B.I.R., SB 539, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Denton, Dixon, Figures, Freeman, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Smith, Smitherman, and Waggoner -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**SB 539.** Relating to Dale County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; and defining the authority, powers, and duties of the county engineer and county commission.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Biddle, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Freeman, Hill, Langford, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Bailey, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 539.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 693.

Senator Butler, B.I.R., SB 693, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedford, Butler, Clay, Davidson, Denton, Escott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**SB 693.** Relating to Limestone County; to further provide for



the expense allowance of the coroner; and to authorize the coroner to employ an assistant coroner and up to two deputy coroners whose salaries shall be set by the county commission.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays: - 0

On motion of Senator Butler, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 693.

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 697.

Senator Lipscomb, B.I.R., SB 697, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 697.** Relating to Baldwin County; providing for additional court costs to be imposed on each person incarcerated in the Baldwin County jail; and providing for distribution of the revenues to be derived from the additional court costs.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Myers, Poole, Smith, Waggoner, and Windom-25

Nays:

- 0

On motion of Senator Lipscomb, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 697.

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 698.

Senator Lipscomb, B.I.R., SB 698, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Lipscomb, Little, Myers, Poole, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 698.** Relating to Baldwin County; authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Armistead, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dial, Dixon,

Escott-Russell, Figures, Freeman, Ghee, Hale, Lindsey, Lipscomb, McClain, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays: - 0

On motion of Senator Lipscomb, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 698.

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 699.

Senator Lipscomb, B.I.R., SB 699, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Bedford, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 699.** Relating to Baldwin County; amending Sections 2 and 3 of Act No. 85-684, H. 1056, (Acts 1985, p. 1097), relating to court charges and the Baldwin County Law Library and Judicial Administration Fund, to make the \$1.50 court costs applicable in civil and quasi civil actions, equity, criminal, quasi criminal, proceedings on forfeited bail or forfeited bond in the circuit court of Baldwin County under certain conditions applicable in the Juvenile Court and in civil actions filed in the District Court of Baldwin County; and providing that this act shall be construed together with other laws relating to court costs in Baldwin County, and ratifying collections retroactively to January 1, 1977.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

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Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Clay, Dial, Escott-Russell, Figures, Freeman, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Lipscomb, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 699.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 700.

Senator Lipscomb, B.I.R., SB 700, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Clay, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 700.** Relating to Baldwin County; to allow the Baldwin County Commission to appropriate funds for lunches for state and county inmates who are performing labor in the county; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Davidson, Dixon, Escott-Russell, Fig-

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ures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -25

Nays: - 0

On motion of Senator Lipscomb, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 700.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 701.

Senator Lipscomb, B.I.R., SB 701, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, Mitchem, Myers, Poole, Sanders, Smith, Smitherman, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 701.** Relating to Baldwin County; to ratify the election of the current county commission; to provide for the creation of a study committee to study the form, structure, and authority of county government in the county; and to provide for an advisory referendum on the final proposal of the committee.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Myers, Roberts, Smith, Steele, Waggoner, and Windom -25

Nays: - 0

On motion of Senator Lipscomb, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 701.

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 706.

Senator Dial, B.I.R., SB 706, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 706.** To alter and rearrange the boundaries of the City of Rainsville, DeKalb County, Alabama, so as to annex and include within the corporate limits thereof the territory hereinafter described.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Butler, Clay, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Sanders, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Dial, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 706.

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to sus-

pend the Rules in order to bring up the Bill, SB 602.

Senator McClain, B.I.R., SB 602, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Bedford, Biddle, Davidson, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 602.** Relating to Jefferson County, permitting the sampling of beer in certain industry-related closed functions or trade expositions.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Biddle, Butler, Davidson, Denton, Dial, Dixon, Escott-Russell, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Myers, Roberts, Smith, Smitherman, Steele, and Waggoner -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 714.

Senator McClain, B.I.R., SB 714, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, David-

son, Denton, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Myers, Smitherman, Waggoner, and Windom -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**SB 714.** Relating to the Elected Assistant District Attorney's Office, Tenth Judicial Circuit, Jefferson County, Bessemer Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: No. 245, H. 845, 1975 Regular Session (Acts 1975, p. 773); Act No. 87-721, H. 896, 1987 Regular Session (Acts 1987, p. 1411); Act No. 90-202, H. 449, 1990 Regular Session (Acts 1990, p. 237); and Act No. 93-648, S. 382, 1993 Regular Session (Acts 1993, p. 1119); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit, Bessemer Division.

was taken up.

Senator McClain offered the following amendment to the Bill, SB 714, to-wit:

#### AMENDMENT TO SB 714

On page 4, in lines 22 and 25 delete "6" and insert in lieu thereof:

"7"

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Barron, Biddle, Clay, Davidson, Dial, Dixon, Escott-Russell, Freeman, Ghee, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smitherman, Steele, Waggoner, and Windom -25

Nays: - 0

And said Bill, SB 714, as thus amended, was read a third time at



length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Davidson, Dial, Escott-Russell, Freeman, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays: - 0

On motion of Senator McClain, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 714.

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 663.

Senator Smitherman, B.I.R., SB 663, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Waggoner, and Windom -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 663.** Relating to Jefferson County; to provide further for the maintenance, operation, and financing of the county law library for the Birmingham Division of the 10th Judicial Circuit; to impose additional court filing fees to the fees presently in effect in the Birmingham Division of the 10th Judicial Circuit of Alabama; to provide for the payment of those funds into the existing Birmingham Division Law Library Fund; and to provide

that the presiding circuit judge shall administer the Birmingham Division Law Library Fund and public law library.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Dixon, Escott-Russell, Freeman, Ghee, Hill, Lindsey, McClain, Mitchell, Mitchem, Myers, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Smitherman, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 663.

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 707.

Senator Poole, B.I.R., SB 707, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Freeman, Lindsey, Lipscomb, Little, Mitchem, Myers, Poole, Roberts, Sanders, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 707.** Relating to Tuscaloosa County, Alabama: to amend and reenact Act 86-656, 1986 First Special Session (Acts 1986, p. 39), as amended, establishing a fire district, pursuant to Amendment No. 358 to the Constitution of Alabama of 1901, for the purpose of preventing fires or for fire protection and certain other public service in Tuscaloosa County;

providing for the manner such district may be created for any area; providing for the petition for any proposed district and the election thereon; providing that the expense of the conducting such election shall be paid by the county except that if the district is created the district shall reimburse the county; providing that after a district has been established the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district; providing that no district shall be created unless the creation thereof has been approved by the majority of votes cast at an election; providing that if the creation of the proposed district is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; providing for the enlargement and contraction of the district; providing for the management and operation of each district; providing for the election of a fire district board, except the initial board made up of the existing board of the directors of each volunteer fire department, each being a public corporation; providing for the terms of office of the members of the board; providing for the officers compensation, expense allowance and duties of the members of the board; defining the rights, power, and authority of the district; authorizing any such district to pledge all or any parts of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; authorizing any such district to levy and collect service charges or fees subject to certain limitations; providing that such services charges or fees shall not be levied unless the same is first approved by a majority of the votes cast by the qualified electors residing within the district; providing for the dissolution of any such district; providing that the provisions of this act are severable; repealing all laws, or parts of laws, in the conflict with the act; and providing for the effective date of the act.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, McClain, Mitchem, Poole, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

On motion of Senator Poole, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 707.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 715.

Senator Smith, B.I.R., SB 715, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Biddle, Butler, Clay, Denton, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**SB 715.** Relating to Etowah County; to provide further for the compensation for the board of equalization.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Biddle, Clay, Davidson, Escott-Russell, Figures, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-25

Nays:

- 0

On motion of Senator Smith, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 715.

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, SB 717.

Senator Steele, B.I.R., SB 717, adopted.

Yeas 25 Nays 0

Yeas:

Sensors:

Adams, Armistead, Bailey, Bedford, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**SB 717.** Relating to Perry County; providing for an additional expense allowance and salary for the Perry County Board of Education.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Sensors:

Adams, Armistead, Bailey, Biddle, Butler, Clay, Davidson, Dial, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Poole, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays:

- 0

On motion of Senator Steele, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 717.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Boyd, Kennedy, Hall (L), and Graham:

**HB 785.** To make a conditional appropriation from the State General Fund in the amount of \$600,000 to the Rape Crisis Centers for the

fiscal year ending September 30, 1998, and to require operations plans and audited financial statements prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 785 - to the Committee on Economic Expansion and Trade

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Newton (C):

**HB 792.** To provide for a voluntary check-off designation on state income tax returns for the Alliance for the Mentally Ill of Alabama (AMI) and for the Mental Health Consumers of Alabama (MHCA).

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 792 - to the Committee on Health and Human Resources

### **FURTHER CONSIDERATION OF SB 87**

The Senate proceeded to further consideration of the Bill, SB 87. The question was on the Bedford amendment.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolution and Bills delivered to the Governor with the date and hour of delivery, to-wit:

SJR 146    SB 554

Delivered to the Governor on May 6, 1997, at 2:07 P.M.

SB 643

Delivered to the Governor on May 6, 1997, at 6:23 P.M.

SB 5

Delivered to the Governor on May 6, 1997, at 6:50 P.M.

SB 447    SB 574

Delivered to the Governor on May 6, 1997, at 7:04 P.M.

SB 498

Delivered to the Governor on May 6, 1997, at 7:23 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 8:45 P.M., on motion of Senator Dial, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, SB 87, the Senate adjourned until Wednesday, May 7, 1997, at 9 o'clock A.M.

Yeas 14 Nays 10

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Yeas:

Senators:

Adams, Clay, Davidson, Dial, Dixon, Escott-Russell, Figures, Langford, Lindsey, McClain, Myers, Sanders, Smitherman, and Steele -14

Nays:

Senators:

Armistead, Bailey, Butler, Freeman, Hale, Little, Roberts, Smith, Waggoner, and Windom -10



## **TWENTY-EIGHTH LEGISLATIVE DAY**

**WEDNESDAY, MAY 7, 1997**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by Representative Jeff Dolbare, Sixty-Fifth House District.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Tamiko Grace, Jefferson Davis High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-35

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.

## **JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

### **UNANIMOUS CONSENT GRANTED**

Senator Mitchell requested and received unanimous consent to allow Standing Committees to report out of order for today.

### **MOTION TO ADJOURN**

Senator Mitchell moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 8, 1997, at 10 o'clock A.M., which motion was adopted.

### **POINT OF PERSONAL PRIVILEGE**

Senator Adams requested that the following statement be spread upon the Journal, to-wit:

“I am opposed to HJR 412 by Rep. Demetrius Newton and had I been present I would have voted against passage of this Resolution. I want to go on record as being opposed to HJR 412 and the manner in which it was passed in the Senate on May 6. I request my statement be spread upon the Journal.”

Which was read and ordered filed with the Secretary.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 6.** Providing for a member of the Employees' Retirement System to purchase credit in the system for certain prior service rendered to the United States Social Security Administration by a certain date.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 67.** Relating to Mobile County; to provide pilot programs for site-based management for the Mobile County School System.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 80.** Relating to Mobile County; requiring the board of school commissioners to adopt a dress code for students.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 601.** To alter and rearrange the boundary lines and corporate limits of the municipality of Huntsville in Madison and Limestone Counties to remove certain property from the corporate limits of the municipality.

PAT LINDSEY,  
Chairperson.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 640.** Relating to Calhoun County; authorizing the Calhoun County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, and other litter, including discarded tires, within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards and similar establishments; to provide for the annual license fee for the privilege of operating a junkyard and similar establishments in the unincorporated area of the county under certain conditions; to exempt junkyards licensed by the state existing on January 1, 1997; to provide for notice of rules, regulations, and resolutions and ordinances to implement this act; and to exempt certain agricultural or farm land.

PAT LINDSEY,  
Chairperson.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 714.** Relating to the Elected Assistant District Attorney's Office, Tenth Judicial Circuit, Jefferson County, Bessemer Division; to provide for the appointment, duties, and compensation of deputy district attorneys; and to repeal the following acts: No. 245, H. 845, 1975 Regular Session (Acts 1975, p. 773); Act No. 87-721, H. 896, 1987 Regular Session (Acts 1987, p. 1411); Act No. 90-202, H. 449, 1990 Regular Session (Acts 1990, p. 237); and Act No. 93-648, S. 382, 1993 Regular Session (Acts 1993, p. 1119); all relating to the office and compensation of the deputy district attorneys in the Tenth Judicial Circuit, Bessemer Division.

PAT LINDSEY,  
Chairperson.

**MOTION TO RECONSIDER LOST**

Senator Bedford moved that the Senate reconsider the vote by which the Bill, HB 14, was passed, which motion resulted in a tie vote.

Yeas 12 Nays 12

Yeas:

Senators:

Amari, Bedford, Butler, Clay, Dial, Dixon, Hale, Little, Poole, Roberts,  
Waggoner, and Windom -12

Nays:

Senators:

Armistead, Bailey, Denton, Escott-Russell, Figures, Ghee, Langford, Lindsey, McClain, Sanders, Smith, and Smitherman - 12

The President and Presiding Officer of the Senate voted "Nay," therefore the motion to reconsider lost.

**RECESS**

At 10:03 A.M., on motion of Senator Dial, the Senate took a recess until 11 o'clock A.M.

The recess period having expired, at 11 o'clock A.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**SB 87.** To amend Section 36-21-10, Code of Alabama 1975, to further provide for the minimum compensation to be paid to county law enforcement officers.

and pending Bedford amendment, which said amendment is set out in the Journal of the Senate for the Twenty-Seventh Legislative Day.

And said amendment was then adopted.

Yeas 25 Nays 2

Yeas:

Senators:

Adams, Armistead, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, and Steele -25

Nays:

Senators:

Figures and Waggoner

- 2

Senator Dial offered the following amendment to the Bill, SB 87, as amended, to-wit:

**AMENDMENT TO SB 87, AS AMENDED**

On page 1, line 12, after the period add the following:

“This bill would be effective only if S. 88, Engrossed is enacted.”

On page 1, line 20, delete the period and add the following:

“; to provide that this act shall become effective only if S. 88, Engrossed of the current session, relating to compensation for sheriffs, is enacted.”

On page 3, after line 3, add the following:

“Provided, however, if S. 88, Engrossed of the 1997 Regular Session is not enacted, this act shall become null and void ab initio.”

Which was adopted.

Yeas 17 Nays 14

Yeas:

Senators:

Adams, Armistead, Barron, Clay, Davidson, Denton, Dial, Freeman, Hale, Hill, Lindsey, Myers, Roberts, Sanders, Smith, Smitherman, and Steele -17

Nays:

Senators:

Bailey, Bedford, Biddle, Butler, Dixon, Escott-Russell, Ghee, Langford, Little, McClain, Mitchell, Mitchem, Waggoner, and Windom -14

Senator Butler offered the following amendment to the Bill, SB 87, as amended, to-wit:

**AMENDMENT TO SB 87, AS AMENDED**

On page 1, line 12, after the period, insert the following new paragraph:

“This bill would provide that any funds not used for sheriffs’ salaries, because of the failure of S. 88 Engrossed of the current session of the Legislature to be enacted, shall be appropriated for the funding of this act.”

On page 3, line 3, insert a new Section 3 as follows:

“Section 3. If S. 88 Engrossed of the current session of the Legislature fails to be enacted, the funds not used for sheriffs’ salaries shall be appropriated for the funding of this act.”

Which was adopted.

Yeas 31 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -31

Nays:

- 0

And said Bill, SB 87, as thus amended, was read a third time at length, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 4

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dixon, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom -27

Nays:

Senators:

Escott-Russell, Figures, Hill, and Steele

- 4

On motion of Senator Bedford, the provisions of Rule 34(b) were suspended to allow transmittal to the House of the Bill, SB 87.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 452.** COMMENDING THE CITY OF JERUSALEM ON THE 30TH ANNIVERSARY OF ITS REUNIFICATION.

Also:

**HJR 459.** COMMENDING BARBARA SNIDER OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 187.** To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate,



after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 554.** To amend Section 26-1-2, Code of Alabama 1975, relating to durable powers of attorney; authorizing the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 78.** CREATING THE JOINT INTERIM COMMITTEE ON BIRTH DEFECTS AND MONITORING.

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 99.** NAMING A PORTION OF U.S. HIGHWAY 43, THE “A. W. TODD HIGHWAY.”

Also:

**HJR 109.** DIRECTING THE DEPARTMENT OF REVENUE, THE LEGISLATIVE FISCAL OFFICE, AND THE HOUSE WAYS AND MEANS COMMITTEE TO JOINTLY CONDUCT AN ANALYSIS OF THE COSTS AND BENEFITS OF COMBINED OR CONSOLIDATED INCOME TAX REPORTING BY AFFILIATED CORPORATIONS.

Also:

**HJR 126.** NAMING THE BRIDGE OVER CODEN BAYOU ON HIGHWAY 188 THE RABBY MEMORIAL BRIDGE.

Also:

**HJR 146.** URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO REFRAIN FROM RESTRICTING OUTDOOR GRILLING AND COOKING.

Also:

**HJR 151.** NAMING THE “JACK HANKINS HIGHWAY” IN LAMAR COUNTY.

Also:

**HJR 168.** COMMENDING THE SPARKMAN HIGH SCHOOL CHEERLEADERS OF TONEY, ALABAMA.

Also:

**HJR 200.** EXTENDING HEARTIEST CONGRATULATIONS TO MR. AND MRS. CHARLES ROBERT MCDEVITT.

Also:

**HJR 201.** COMMENDING GRAND BAY HIGH SCHOOL ON ITS FIRST-PLACE TEAM AWARD IN THE MOBILE COUNTY SCHOLARS BOWL.

Also:

**HJR 214.** ENCOURAGING THE ALABAMA COMMISSION ON HIGHER EDUCATION, THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA, THE DEPARTMENT OF POSTSECONDARY EDUCATION, AND THE STATE'S INSTITUTIONS OF HIGHER EDUCATION TO SUPPORT THE ESTABLISHMENT OF "LEARNING IN RETIREMENT" INSTITUTES AND ORGANIZATIONS.

Also:

**HJR 258.** COMMENDING WAITERS, WAITRESSES, AND OTHER FOOD SERVICE WORKERS.

Also:

**HJR 274.** COMMENDING MRS. ANNETTE WISNIEWSKI FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

**HJR 275.** COMMENDING MRS. MARGIE ALVIS FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

**HJR 276.** COMMENDING MRS. DEBORAH LITTLE FOR DISTINGUISHED SERVICE IN THE FIELD OF EDUCATION.

Also:

**HJR 321.** COMMENDING SUE C. WILSON ON OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

**HJR 322.** MOURNING THE DEATH OF FRED BASIL GILCHRIST OF GADSDEN, ALABAMA.

Also:

**HJR 323.** MOURNING THE DEATH OF FLOYD L. GARRETT OF GADSDEN, ALABAMA.

Also:

**HJR 324.** MOURNING THE DEATH OF MARGARET RUTLEDGE REEVES OF GADSDEN, ALABAMA.

Also:

**HJR 325.** MOURNING THE DEATH OF SHIRLEY JEAN BOHANNON YATES OF GADSDEN, ALABAMA.

Also:

**HJR 326.** RECOGNIZING MADELEINE HILL FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

**HJR 342.** COMMENDING THE FOLEY HIGH SCHOOL KEY CLUB ON ITS OUTSTANDING ACHIEVEMENTS.

Also:

**HJR 397.** MEMORIALIZING THE UNITED STATES CONGRESS TO SUPPORT INCREMENTAL FUNDING OF THE NIMITZ-CLASS AIRCRAFT CARRIER.

Also:

**HJR 408.** COMMENDING JENNA NICOLE FOWLER AS RECIPIENT OF THE 1996-97 CITIZENSHIP AWARD AT ELSANOR SCHOOL.

Also:

**HJR 409.** COMMENDING JESSICA DANIELLE MIDDLETON AS RECIPIENT OF THE 1996-97 CITIZENSHIP AWARD AT ROSINTON SCHOOL.

Also:

**HJR 411.** COMMENDING THE CITRONELLE-CALL NEWSPAPER ON ITS 100TH ANNIVERSARY.

Also:

**HJR 413.** COMMENDING SIMPSON PEPPER ON HIS OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA.

Also:

**HJR 414.** COMMENDING TIGER WOODS ON WINNING THE MASTERS GOLF TOURNAMENT.

Also:

**HJR 423.** COMMENDING THE SHELTON STATE COMMUNITY COLLEGE SCHOLARS BOWL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 424.** COMMENDING THE MEN'S BASKETBALL TEAM OF WALLACE COMMUNITY COLLEGE IN DOTHAN, ALABAMA, ON AN OUTSTANDING 1996-97 SEASON.

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

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The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**HB 14.** Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

Also:

**HB 545.** To amend Section 33-2-185, 33-2-188 and 33-2-189, Code of Alabama (1975) which relate to the sale and issuance by Alabama State Docks Department of its dock facilities revenue bonds and refunding bonds, to provide for public sale of such bonds to the bidder therefor whose bid reflects the lowest true interest cost to the department for the series of bonds being sold thereby, to permit the public sale of such bonds upon publication of summary notice thereof, provide such summary notice shall be published at least one time not less than 10 days prior to the date fixed for such sale, and to permit the department to pay out of the proceeds of such bonds the cost of any surety bond or bonds that the department may cause to be deposited in a reserve account or fund to further secure the payment of the principal of, premium, if any, and the interest on the department's dock facilities revenue bonds and refunding bonds.

Also:

**HB 864.** Relating to Etowah County; to amend Sections 2 and 3, Act 95-284, H. 73, 1995 Regular Session, relating to the collection and distribution of the county sales and use tax effective January 1, 1996, to provide for the administration and collection of the tax by either the Etowah County Commission or a private entity; and to provide for annual distribution of the proceeds.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 151.** URGING MR. MELVIN COOPER TO WITHDRAW HIS OBJECTION TO REVEREND JOHN NETTLES SERVING ON THE PARDONS AND PAROLES BOARD DURING THE HEARING ON FORMER GOVERNOR GUY HUNT'S REQUEST FOR A PARDON.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 425.** COMMENDING LINDA H. TRUELOVE OF COTTONDALE, ALABAMA, AS RECIPIENT OF THE CHRISTA MCAULIFFE FELLOWSHIP AWARD FOR THE STATE OF ALABAMA FOR 1996.

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 457.** Establishing the Family Assistance Program; provid-

ing for eligibility requirements and benefits levels; providing for the disregard of supplemental security income in determining eligibility; providing for the disregard of certain personal savings; providing for the Department of Human Resources to research the feasibility of individual development accounts; denying assistance to certain individuals; prohibiting the employment of recipients in jobs if another individual has been laid off from the same or substantially equivalent job; requiring recipients of family assistance to attend school; providing for recipients to be engaged in work and providing for the requirement of work; requiring the assignment of child support; requiring the establishment of paternity of a child born out-of-wedlock; providing for hearings to aggrieved persons under certain circumstances; requiring child care for certain recipients; requiring transportation for recipients or reimbursement of transportation expenses; providing for Medicaid assistance for a certain period; authorizing the services of qualified public and private organizations to assist in operating the program; creating the Welfare Reform Oversight Commission; creating the State Welfare Reform Coordinating Council; creating county welfare reform coordinating councils; providing for personal responsibility contracts; encouraging state agencies to recruit and hire welfare and food stamp recipients; informing recipients of the federal Earned Income Tax Credit; informing employers of the Work Opportunity Tax Credit; restricting the use and disclosure of information relating to recipients receiving assistance; amending Section 38-1-4, Code of Alabama 1975; and providing for penalties.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

Senator Smitherman moved that the Senate concur in and adopt the following House amendment to the Bill, SB 457, the title of which is set out in the foregoing Message from the House.

Senator Bailey offered a substitute motion that the Senate non-concur in the following House amendment to the Bill, SB 457, to-wit:

### SUBSTITUTE FOR SB 457

#### A BILL TO BE ENTITLED AN ACT

Establishing the Family Assistance Program; providing for eligibility requirements and benefits levels; providing for the disregard of supplemental security income in determining eligibility; providing for the disregard of certain personal savings; providing for the Department of Human



Resources to research the feasibility of individual development accounts; denying assistance to certain individuals; prohibiting the employment of recipients in jobs if another individual has been laid off from the same or substantially equivalent job; requiring recipients of family assistance to attend school; providing for recipients to be engaged in work and providing for the requirement of work; requiring the assignment of child support; requiring the establishment of paternity of a child born out-of-wedlock; providing for hearings to aggrieved persons under certain circumstances; requiring child care for certain recipients; requiring transportation for recipients or reimbursement of transportation expenses; providing for Medicaid assistance for a certain period; authorizing the services of qualified public and private organizations to assist in operating the program; creating the Welfare Reform Oversight Commission; creating the State Welfare Reform Coordinating Council; creating county welfare reform coordinating councils; providing for personal responsibility contracts; encouraging state agencies to recruit and hire welfare and food stamp recipients; informing recipients of the federal Earned Income Tax Credit; informing employers of the Work Opportunity Tax Credit; restricting the use and disclosure of information relating to recipients receiving assistance; amending Section 38-1-4, Code of Alabama 1975; and providing for penalties.

Also:

On page 34, Section 17, line 24 after the word "county" by striking the word ~~where~~ and inserting in lieu thereof the word "where"

Also:

On page 33, Section 17, lines 22 & 23 by striking the words ~~Chamber of Commerce~~ and inserting in lieu thereof the following: "Business Community"

Also:

1. Page 9, line 7: after "WELFARE" insert "REFORM"
2. Page 19, line 11: Strike ~~and his or her assessment~~ and insert "or as otherwise required by his or her assessment which also"
3. Page 25, lines 7 and 8: strike ~~The department shall generally insure, where feasible, that~~ and insert in lieu thereof "Parties to"
4. Page 25, line 9: after "shall" insert "be inclusive and"

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5. Page 25, lines 11 and 12: strike ~~particular county where the services are provided~~ and insert "State"

6. Page 32, line 19: after "The" insert "membership of the"

7. Page 32, line 20: strike ~~generally~~ and insert "be inclusive and"

8. Page 32, lines 22 and 23: strike ~~particular county where the services are provided~~ and insert "State"

9. Page 33, line 24: add subdivision "(9) Additional appointments may be made with the majority of the council voting in favor of additional members"

10. Page 34, lines 20 and 21: strike ~~The department shall generally insure, where feasible, that~~ and insert in lieu thereof "Parties to"

11. Page 34, line 22: after "shall" insert "be inclusive and"

12. Page 34, line 24: strike ~~particular county where the services are provided~~ and insert "State"

13. Page 38, lines 10 and 15: strike ~~sworn~~.

Also:

On page 41, after line 17, insert a new Section 22 and renumber the remaining sections accordingly:

"Section 22. State agencies are encouraged to establish recruitment and hiring goals which target jobs requiring a high school diploma or less to be filled with welfare or food stamp recipients. A question concerning receipt of family assistance benefits or food stamps may be added to the state employment application for purposes of targeting these applicants. Each agency annually shall report to the Alabama Welfare Reform Oversight Commission the number of family assistance benefit recipients employed in comparison to the established goal."

Also:

On page 40, line 23, after the word "following" insert the language:

"without good cause"

Also:

On page 24, line 13, after the language "working." insert the following language:

"Child care shall also be available to the low income working poor based on the amount of legislative appropriations for child care purposes."

Also:

On page 15, delete lines 5 to 10, inclusive, in their entirety.

Also:

On page 20, lines 22 to 23, inclusive, delete the following:

"and food stamps, either or both,"

On page 21, line 3, after the word "or" delete the language "Food Stamp Program," and on line 4 delete the language "either or both,"

Also:

On page 26, line 13, delete the words ", who shall serve as Chair"

On page 27, after line 14, insert the following:

"(12) The Council shall elect from its members a person to serve as Chair."

Also:

On page 18, line 25, after the language "Section 10." delete subsection (a) in its entirety and insert in lieu thereof:

"(a) The department shall require any person age 16 years or older and not enrolled in school, who is otherwise eligible for the Family Assistance Program, to attend school by participating in literacy workforce development basic and/or life skills activities administered by the Department of Education, provided all of the following conditions apply:

(1) The person has not graduated from a public or private high school or obtained a certificate of high school equivalency (GED).

(2) The person is physically and mentally able to participate in the activities.

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(3) The person is a parent or caretaker with whom a dependent child is living and child care is available for the child.

(4) The person is in a work program at least 20 hours a week and his or her assessment indicates that additional education is needed.

It is the intent of the Legislature that the requirements of this subsection shall not create an additional cost to the department and shall be administered by the department in such a manner as to incur no federal penalty.”

Also:

On page 33, line 12, after the word “by”, insert the following language:

“the local adult education coordinator serving on the local council and”

Also:

On page 33, after line 23, insert the following new subdivision:

“(9) The local adult education coordinator recommended by the Department of Education.”

Also:

On page 14, line 21, after the word “convictions” insert the following language:

“for offenses”

Also:

On page 32 line 25 by striking the word “Three” and inserting in lieu thereof “Four”

Further amend the bill on page 33, line 2 by adding after the word “county” the following:

“ and one of whom shall be a representative from the largest Private employer in the county”

Further amend the bill on page 33 line 1 by striking the word “and” and adding a comma after the word “community”

Also:

On page 13, after line 17, add the following new subsection:

“(f) The department shall provide to all applicants information related to domestic violence, including the availability of deferments for certain victims of domestic violence, the availability of legal remedies for victims of domestic violence, and the availability of victim assistance programs including the telephone number of the domestic violence shelter serving the county in which the applicant resides. Caseworkers responsible for identifying and deferring victims of domestic violence shall receive appropriate training.”

On page 16, line 5, after the language “law.” insert the following:

“Such criteria shall include cases in which a victim of domestic violence shall be forced to return to an abusive situation if not exempted or in which the recipient’s failure to obtain employment has been determined by the department to have resulted from domestic violence.”

On page 20, line 26, after the language “received.” insert the following:

“An applicant or recipient who is a victim of domestic violence may not be required to cooperate with child support collection activities if his or her cooperation may result in an increased risk of harm to the applicant or recipient or to a dependent child.”

Also:

On page 12, line 14, after the language “older.” insert the following:

“When determining eligibility for benefits of a teen mother required to reside at home, the department shall disregard the income of her parent or parents, legal guardian, or other adult relative when that income is below 185 percent of the federal poverty line.”

Also:

On page 24, line 13 after the language “working.” insert the following:

“Eligible participants shall be advised of all qualified child care services.”

Also:

On page 25, line 25, after the word “reform” insert the language:

“and poverty reduction”

On page 26, line 5, after the word “workers” insert the language:

“and reducing poverty”

On page 28, line 1, after the word “births” insert the language:

“and poverty”

On page 28, line 10, after the word “Program” insert the language:

“and reducing poverty”

On page 28, line 18, after the language “welfare-to-work” insert the language:

“and poverty reduction”

On page 29, line 24, after the language “1996” insert the language:

“and reducing poverty”

On page 31, line 3, after the word “programs” insert the language:

“and poverty”

On page 32, line 16, after the word “reform” insert the language:

“and poverty reduction”

On page 34, line 2, after the word “Program” insert the language:

“and poverty reduction”

Also:

On page 1, line 22, delete the language “Carns-Smitherman-Adams” and insert in lieu thereof:

“Carns-Smitherman-Adams-Hall-Box”

On page 7, line 7, delete the language "Carns-Smitherman-Adams" and insert in lieu thereof:

"Carns-Smitherman-Adams-Hall-Box"

Also:

On page 12, line 2, after the word "level" delete the language "in place as of January 1, 1997" and insert in lieu thereof the following:

"as the southeastern average of two hundred fifteen dollars (\$215) for a family of three"

Also:

On page 24, line 16, by inserting after the period the following:

"Child care services shall be administered by regionally based child care management agencies who must provide information regarding the range of provider options of child care centers, family child care homes, and informal child care with a relative. Child care management agencies shall be responsible for monitoring child care providers to ensure fiscal accuracy of payments made for child care services and to ensure that child care has been provided. Child care providers licensed by the department shall be reimbursed for child care services based on local current market rate with review and update annually."

Also:

On page 41, after line 17, delete Section 22 in its entirety, insert the following new Section 22:

"Section 22. State agencies or businesses receiving state contracts or state tax incentives shall establish recruitment and hiring goals which target jobs requiring a high school diploma or less to be filled with welfare or food stamp recipients. A question concerning receipt of family assistance benefits or food stamps may be added to the employment application for purposes of targeting these applicants. Each agency or business annually shall report to the Alabama Welfare Reform Oversight Commission the number of family assistance benefit recipients employed in comparison to the established goal."

and requested a Committee on Conference.

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Biddle, Butler, Davidson, Dixon, Figures, Ghee, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Waggoner, and Windom  
-21

Nays:

Senators:

Escott-Russell, Freeman, Langford, Lindsey, McClain, Sanders, Smitherman, and Steele  
- 8

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Smitherman, Bailey, and Escott-Russell.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 458.** Establishing the Alabama Child Support Reform Act of 1997; providing authority for the state Title IV-D agency to order genetic testing, to subpoena information, to obtain access to information from governmental agencies and public utilities, to change payees of support payments, to implement income withholding, and to increase the amount of monthly support payments; providing for quarterly data matches with financial institutions; providing for the seizure of accounts of delinquent obligors; providing for a central disbursement unit for the collection and disbursement of support payments; providing for access to criminal justice information; providing for the suspension of professional, occupational, and recreational licenses of obligors; providing for a central case registry of support orders; providing for the passthrough of the first fifty dollars of child support to the family; providing for income withholding procedures for employers; providing for the admission of evidence and the barring of jury trials for paternity actions; providing for the liability of the parents of a noncustodial teen parent for child support in certain circumstances; providing for liens against property; requiring social security numbers on official documents and notice to individuals regarding the purpose for the social security numbers on such documents; amending Sections 26-17-10, 26-17-12, 26-17-13, 26-17-20, 26-17-22, 30-3-60, and 30-3-61, Code of Alabama 1975; and amending Sections 1, 2, 3, 5, 6, 7, 8, and 10 of Act 96-563, 1996 Regular Session, now appearing as Sections 30-3-170, 30-3-



171, 30-3-172, 30-3-174, 30-3-175, 30-3-176, 30-3-177, and 30-3-179, Code of Alabama 1975.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

Senator Smitherman moved that the Senate concur in and adopt the following House amendment to the Bill, SB 458, the title of which is set out in the foregoing Message from the House, to-wit:

#### AMENDMENT TO SB 458

Amend SB 458 on page 1, beginning on line 34, after the words "support orders," by striking the following: ~~providing for the passthrough of the first fifty dollars of child support to the family;~~

Also amend on page 2, beginning on line 3, after the words "paternity actions," by striking the following: ~~providing for the liability of the parents of a noneustodial teen parent for child support in certain circumstances;~~

Further amend on page 10, beginning on line 11, by striking the following: ~~(h) Any contracts entered into by the Title IV-D agency with any private entity shall reflect the racial, gender, geographic, urban/rural, and economic diversity of the particular county where the services are provided.~~

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 546.** To require that the Alabama Coalition Against Domestic Violence, Incorporated, establish standards for domestic violence shelters for membership in the coalition; to enable domestic violence shelters that meet the standards to be eligible to receive state funds, and to provide for the distribution of the funds; and to require the coalition to establish standards for counseling programs for perpetrators of domestic violence.

GREG PAPPAS,  
Clerk.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 546.** To require that the Alabama Coalition Against Domestic Violence, Incorporated, establish standards for domestic violence shelters for membership in the coalition; to enable domestic violence shelters that meet the standards to be eligible to receive state funds, and to provide for the distribution of the funds; and to require the coalition to establish standards for counseling programs for perpetrators of domestic violence.

PAT LINDSEY,  
Chairperson.

## SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**SB 87.** To amend Section 36-21-10, Code of Alabama 1975, to further provide for the minimum compensation to be paid to county law enforcement officers; to provide that this act shall become effective only if S. 88, Engrossed of the current session, relating to compensation for sheriffs, is enacted.

PAT LINDSEY,  
Chairperson.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

**SJR 151.** URGING MR. MELVIN COOPER TO WITHDRAW HIS OBJECTION TO REVEREND JOHN NETTLES SERVING ON THE PARDONS AND PAROLES BOARD DURING THE HEARING ON FORMER GOVERNOR GUY HUNT'S REQUEST FOR A PARDON.

PAT LINDSEY,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 133.** COMMENDING THE PAUL LAWRENCE DUNBAR MAGNET SCHOOL BAND.

Also:

**SJR 134.** COMMENDING THE BEN C. RAIN HIGH SCHOOL VARSITY BOYS' BASKETBALL TEAM ON WINNING THE STATE 5A BASKETBALL CHAMPIONSHIP.

Also:

**SJR 135.** MOURNING THE DEATH OF J.C. MOORE OF OPELIKA, ALABAMA.

Also:

**SJR 136.** MOURNING THE DEATH OF JUDGE NOEL BAKER OF OPELIKA, ALABAMA.

Also:

**SJR 137.** MOURNING THE DEATH OF GORDON CREWS BOND OF AUBURN, ALABAMA.

Also:

**SJR 138.** MOURNING THE DEATH OF BOADMAN NETTLES IVEY OF CAMDEN, ALABAMA.

Also:

**SJR 139.** COMMENDING JUDE PETERSON FOR HER OUTSTANDING SERVICE AS THE EXECUTIVE DIRECTOR OF THE UNITED WAY OF LEE COUNTY, ALABAMA.

Also:

**SJR 140.** HONORING DEAN MARTIN LEIGH HARRISON.

Also:

**SJR 141.** DESIGNATING THE MARIAN P. HOOTON CHEAHA MENTAL HEALTH DAY CARE CENTER IN LINEVILLE, CLAY COUNTY, ALABAMA.

Also:

**SJR 142.** COMMENDING COACH RUDY ABBOTT ON HIS OUTSTANDING ATHLETIC ACHIEVEMENTS.

Also:

**SJR 143.** COMMENDING AUBURN UNIVERSITY SWIMMING AND DIVING COACH DAVID MARSH AS 1997 NCAA NATIONAL COACH OF THE YEAR.

Also:

**SJR 144.** COMMENDING THE AUBURN UNIVERSITY MEN'S SWIM TEAM AS THE 1997 NCAA NATIONAL CHAMPIONS.

Also:

**SJR 147.** COMMENDING JAMES E. WEST, M.D., ANNISTON, ALABAMA, FOR HIS OUTSTANDING SERVICE TO THE MEDICAL PROFESSION.

Also:

**SJR 148.** COMMENDING FRANK PATTERSON TURNER III, FOR OUTSTANDING COMMUNITY SERVICE AND PROFESSIONAL ACHIEVEMENT.

Also:

**SJR 149.** COMMENDING MAGGIE J. STRINGER ON HER OUTSTANDING CAREER ACCOMPLISHMENTS.

GREG PAPPAS,  
Clerk.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 133.** COMMENDING THE PAUL LAWRENCE DUNBAR MAGNET SCHOOL BAND.

Also:

**SJR 134.** COMMENDING THE BEN C. RAIN HIGH SCHOOL VARSITY BOYS' BASKETBALL TEAM ON WINNING THE STATE 5A BASKETBALL CHAMPIONSHIP.

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**SJR 135.** MOURNING THE DEATH OF J.C. MOORE OF OPELIKA, ALABAMA.

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**SJR 136.** MOURNING THE DEATH OF JUDGE NOEL BAKER OF OPELIKA, ALABAMA.

Also:

**SJR 137.** MOURNING THE DEATH OF GORDON CREWS  
BOND OF AUBURN, ALABAMA.

Also:

**SJR 138.** MOURNING THE DEATH OF BOADMAN  
NETTLES IVEY OF CAMDEN, ALABAMA.

Also:

**SJR 139.** COMMENDING JUDE PETERSON FOR HER OUT-  
STANDING SERVICE AS THE EXECUTIVE DIRECTOR OF THE  
UNITED WAY OF LEE COUNTY, ALABAMA.

Also:

**SJR 140.** HONORING DEAN MARTIN LEIGH HARRISON.

Also:

**SJR 141.** DESIGNATING THE MARIAN P. HOOTON  
CHEAHA MENTAL HEALTH DAY CARE CENTER IN LINEVILLE,  
CLAY COUNTY, ALABAMA.

Also:

**SJR 142.** COMMENDING COACH RUDY ABBOTT ON HIS  
OUTSTANDING ATHLETIC ACHIEVEMENTS.

Also:

**SJR 143.** COMMENDING AUBURN UNIVERSITY SWIM-  
MING AND DIVING COACH DAVID MARSH AS 1997 NCAA NA-  
TIONAL COACH OF THE YEAR.

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**SJR 144.** COMMENDING THE AUBURN UNIVERSITY  
MEN'S SWIM TEAM AS THE 1997 NCAA NATIONAL CHAMPIONS.

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TON, ALABAMA, FOR HIS OUTSTANDING SERVICE TO THE MEDICAL PROFESSION.

Also:

**SJR 148.** COMMENDING FRANK PATTERSON TURNER III, FOR OUTSTANDING COMMUNITY SERVICE AND PROFESSIONAL ACHIEVEMENT.

Also:

**SJR 149.** COMMENDING MAGGIE J. STRINGER ON HER OUTSTANDING CAREER ACCOMPLISHMENTS.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **FURTHER CONSIDERATION OF SB 458**

The Senate proceeded to further consideration of the Bill, SB 458. The question was on the motion of Senator Smitherman that the Senate concur in and adopt the House amendment.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 247.** To amend Section 8-8-14, Code of Alabama 1975, to increase the monetary amount for surcharges.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 329.** To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 133.** Relating to telecommunication service; to prohibit the unauthorized switching of telecommunication service; and to provide for penalties.

GREG PAPPAS,  
Clerk.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 247.** To amend Section 8-8-14, Code of Alabama 1975, to increase the monetary amount for surcharges.

PAT LINDSEY,  
Chairperson.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate,



after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

**SB 133.** Relating to telecommunication service; to prohibit the unauthorized switching of telecommunication service; and to provide for penalties.

Also:

**SB 329.** To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

PAT LINDSEY,  
Chairperson.

### SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF SB 458

The Senate proceeded to further consideration of the Bill, SB 458. The question was on the motion of Senator Smitherman that the Senate concur in and adopt the House amendment, which motion was adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton,

Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays: - 0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

**SB 457.** Establishing the Family Assistance Program; providing for eligibility requirements and benefits levels; providing for the disregard of supplemental security income in determining eligibility; providing for the disregard of certain personal savings; providing for the Department of Human Resources to research the feasibility of individual development accounts; denying assistance to certain individuals; prohibiting the employment of recipients in jobs if another individual has been laid off from the same or substantially equivalent job; requiring recipients of family assistance to attend school; providing for recipients to be engaged in work and providing for the requirement of work; requiring the assignment of child support; requiring the establishment of paternity of a child born out-of-wedlock; providing for hearings to aggrieved persons under certain circumstances; requiring child care for certain recipients; requiring transportation for recipients or reimbursement of transportation expenses; providing for Medicaid assistance for a certain period; authorizing the services of qualified public and private organizations to assist in operating the program; creating the Welfare Reform Oversight Commission; creating the State Welfare Reform Coordinating Council; creating county welfare reform coordinating councils; providing for personal responsibility contracts; encouraging state agencies to recruit and hire welfare and food stamp recipients; informing recipients of the federal Earned Income Tax Credit; informing employers of the Work Opportunity Tax Credit; restricting the use and disclosure of information relating to recipients receiving assistance; amending Section 38-1-4, Code of Alabama 1975; and providing for penalties.

And the Speaker of the House has appointed as Committee on part of the House, Reps. Carns, Laird, and Hall (L).

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 20.** To authorize the incorporation of the Alabama Revolving Loan Fund Authority; to provide for its governance and to confer upon it certain powers; to grant to the Authority the power to issue not exceeding \$12,000,000 principal amount of bonds for the purpose of making grants of revolving loan funds to the several regional planning and development commissions; to appropriate to the Authority and pledge for payment of the principal of and interest on the bonds proceeds from the levy of the privilege or license tax on cellular radio telecommunication service to the extent necessary to pay the principal and interest at their respective maturities; to provide for the details of the bonds and for the terms of sale thereof; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to provide that the Department of Economic and Community Affairs shall perform administrative and recordkeeping functions on behalf of the Authority; to provide for the dissolution of the Authority and to provide for an effective date, subject to the passage of Senate Bill \_\_\_\_\_ of the 1997 Regular Legislative Session.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Freeman, the Senate concurred in and adopted the following House amendment to the Bill, SB 20, the title of which is set out in the foregoing Message from the House, to-wit:

**SUBSTITUTE FOR SB 20**

**A BILL  
TO BE ENTITLED  
AN ACT**

To authorize the incorporation of the Alabama Revolving Loan Fund

Authority; to provide for its governance and to confer upon it certain powers; to grant to the Authority the power to issue not exceeding \$12,000,000 principal amount of bonds for the purpose of making grants of revolving loan funds to the several regional planning and development commissions; to amend Section 40-21-123, Code of Alabama 1975, to appropriate to the Authority and pledge for payment of the principal of and interest on the bonds proceeds from the levy of the privilege or license tax on cellular radio telecommunication service to the extent necessary to pay the principal and interest at their respective maturities; to provide for the details of the bonds and for the terms of sale thereof; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to provide that the Department of Economic and Community Affairs shall perform administrative and recordkeeping functions on behalf of the Authority; to provide for the dissolution of the Authority and to provide for an effective date, subject to the ratification of the Constitutional Amendment proposed in Senate Bill 611 of the 1997 Regular Legislative Session.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Definitions. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implications herein otherwise, be given the following respective interpretations herein:

“Authority” means the public corporation organized pursuant to the provisions of this act.

“Board of Directors” means the board of directors of the Alabama Revolving Loan Fund Authority.

“Bonds” means the bonds issued under the provisions of this act.

“Grantee” means the several existing regional planning and development commissions, as provided for in Sections 11-85-50 through 11-85-73.

“Revolving Loan Funds” means the monies provided by the sale of the bonds pursuant to the provisions of this act. These monies may be combined with or used to facilitate access to either federal funds or foundation grants or loans, or to leverage private sector financing that may be

available for initial or "seed" capital, long or short term fixed asset or equipment loans or working capital for local economic development projects for improving, developing, or financing new, existing, or expanding business or industry, to preserve or create employment pursuant to Section 41-23-50, Code of Alabama 1975.

"State" means the State of Alabama.

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this act as an entirety and not solely to the particular section or portion thereof in which such words are used.

The definitions set forth above shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural to cover all genders.

Section 2. The Governor, or his designee, the Finance Director, the Lieutenant Governor, or his designee, the Speaker of the House of Representatives, or his designee, the Chairman of the Regional Revolving Loan Policy Committee, and the President of the Alabama Association of Regional Councils, or his designee shall become a public corporation with the powers provided for in this act by proceeding according to the provisions of Section 3 of this act.

Section 3. (a) To become the public corporation authorized by this act, the Governor, the Finance Director, and the President of the Alabama Association of Regional Councils shall present to the Secretary of State of Alabama an application signed by the applicants listed in Section 2 above which shall set forth:

(1) The name, official designation, and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each applicant;

(3) The name of the proposed public corporation, which shall be the Alabama Revolving Loan Fund Authority; and

(4) The location of the principal office of the proposed corporation. The applicants may also include in the said application any other matters which are not inconsistent with this act or with any of the other laws of the state.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgements to deeds.

(c) The Secretary of State shall examine the application and, if he or she finds that it substantially complies with the requirements of this section, he or she shall receive and file it and record it in an appropriate book of records in his or her office.

Section 4. (a) When the application has been made, filed, and recorded as provided in this act, the applicants shall constitute a corporation under the name proposed in this application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application.

(b) There shall be no fees paid to the Secretary of State for any service rendered or work performed in connection with the Authority, its incorporation, dissolution or records.

Section 5. (a) The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor, or his designee, shall be the president of the Authority; the Finance Director shall be the vice-president thereof; and the President of the Alabama Association of Regional Councils, or his designee shall be the secretary thereof. The State Treasurer shall be the treasurer of the Authority, shall act as custodian of its funds until the allocations are disbursed to the several regional planning commissions pursuant to Section 10 of this act and shall pay the principal and the interest on the bonds of the Authority out of the funds provided for in this act. The members of the Authority shall constitute all the members of the board of directors of the Authority, and any four members of the board of directors shall constitute a quorum for the transaction of business. Should any person hold the position named in this act cease to hold such office by reasons of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as an officer and member of the board of directors of the Authority. No officer or member of the board of directors shall draw any salary in addition to that now authorized by law for any service he or she may render or for any duty he or she may perform in connection with the Authority.

(b) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the Authority, shall be signed by at least four members of the Authority present at the proceedings and shall be recorded in a substantially bound book and filed in the office of the secre-

tary of state. Copies of such proceedings, when certified by the secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 6. The Authority shall have the following powers:

(1) to have succession by its corporate name until dissolved as provided in this article;

(2) to institute and defend legal proceedings in any court of competent jurisdiction and proper venue; provided, that the Authority may not be sued in any trial court other than the courts of the county in which is located the principal office of the Authority; provided further, that the officers, directors, and agents of the Authority may not be sued for action on behalf of the Authority in any trial court other than the courts of the county in which is located the principal office of the Authority;

(3) to have and to use a corporate seal and to alter the seal at pleasure;

(4) to establish a fiscal year;

(5) to anticipate by the issuance of its bonds the receipt of the revenues appropriated and pledged in this act;

(6) to pledge the proceeds of the appropriations and pledges provided for in this article as security for the payment of the principal of and interest on its bonds;

(7) to contract with the Alabama Department of Economic and Community Affairs to perform the administrative and recordkeeping functions necessary for the successful implementation of this act, which shall include but shall not be limited to the function delineated in Section 10 herein; and

(8) to appoint and employ such attorneys and agents as the Authority may require to fulfill the corporate purposes of the Authority and in exercising the foregoing powers.

Section 7. Authorization to Issue Bonds and Purposes Thereof. The Authority is authorized to sell and issue its bonds in the aggregate principal amount of \$12,000,000 for the purpose of making grants to the twelve regional planning and development commissions, which shall be utilized by the grantees as revolving loan funds.

Section 8. Details Respecting the Bonds. The Bonds of the Authority shall be signed by its president and attested by its secretary and the seal of the Authority shall be affixed thereto or a facsimile of such seal shall be printed or otherwise reproduced thereon; provided, that (a) a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such Bonds in lieu of being manually subscribed thereon and (b) a facsimile of the signatures of both of the said officers may be printed or otherwise reproduced on such Bonds in lieu of being manually affixed thereof if the Authority, in its proceedings with respect to issuance of the Bonds, provides for manual authentication of such Bonds. The state treasurer shall be registrar, transfer agent, and paying agent for the bonds. The treasurer may designate named individuals who are employees of the state and who are assigned to the finance department or the state treasurer's office of the state to authenticate the Bonds. Any Bonds of the Authority may be executed and delivered by it any time and from time to time and shall be in such form or forms and such denomination or denominations and of such tenor and maturity or maturities, shall bear such rate or rates of interest, which may be variable rates, shall be payable at such times and evidenced in such manner, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors of the Authority under which such Bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than twenty years after its date. Any bond of the Authority may be made subject to redemption at the option of the Authority at such times and after such notice and on such conditions and at such redemption price or prices as may be provided in the resolution under which it is authorized to be issued; provided, that those Bonds of the Authority having specified maturity dates more than ten years after their date shall be made subject to redemption at the option of the Authority not later than the end of the tenth year after their date, and on any interest payment date thereafter, under such terms and conditions and at such redemption price or prices as may be provided in the resolution under which such Bonds are authorized to be issued. Bonds of the Authority may be sold at such price or prices and at such time or times as the board of directors of the Authority may consider advantageous, either at public or private sale and by negotiation or by competitive bid. Bonds of the Authority sold by competitive bid must be sold, whether on sealed bids or at public auction, to the bidder whose bid reflects the lowest true interest cost to the Authority for the Bonds being sold, computed from their date to their respective maturities; provided, that if no bid acceptable to the Authority is received, it may reject all bids. The Authority may fix the terms and conditions under which each sale of Bonds may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this act. Subject to the provisions and limitations contained in this act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or



unmatured Bonds of the Authority then outstanding. Such refunding Bonds shall be subrogated and entitled to all priorities, rights and pledges to which the Bonds refunded thereby were entitled. Provided, however, that no refunding bonds shall be issued unless the present value of all debt service on the refunding bonds (computed with a discount rate equal to the true interest rate of the refunding bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 95% of the present value of all debt service on the bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance. Provided further that the average maturity of the refunding bonds, as measured from the date of issuance of such refunding bonds, shall not exceed by more than three years the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of bonds for which the average maturity is to be determined. The Authority may pay out of the proceeds of the sale of its Bonds attorneys' fees and the expenses of issuance which the board of directors may deem necessary and advantageous in connection with the issuance of such Bonds. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged thereof in Section 9 hereof. As security for the payment of the principal of and interest on the Bonds issued by it, the Authority is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in Section 9 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges; provided, that each pledge for the benefit of refunding bonds shall have the same priority as the pledge for the benefit of the bonds refunded thereby. All contracts made and all bonds issued by the Authority pursuant to the provisions of this act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State of Alabama. All Bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the state. Any Bonds issued by the Authority may be used by the holder thereof as security for any funds belonging to the state, or to any political subdivision, instrumentality, or agency of the state, in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of au-

thority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in Bonds of the Authority. Neither a public hearing nor consent of the department of finance of the state or any other department or agency shall be a prerequisite to the issuance of the Bonds by the Authority. The Bonds issued under the provisions of this act shall be legal investments for funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund.

Section 9. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on any Bonds issued by it under the provisions of this act and to accomplish the objects of this act, there is hereby irrevocably pledged to these purposes, and hereby appropriated the amount that may be necessary for those purposes from the receipts from the privilege or license tax on providers of cellular radio telecommunication services levied in Section 40-21-121, Code of Alabama 1975.

Section 10. Section 40-21-123, Code of Alabama 1975, is amended to read as follows:

“§40-21-123.

“The tax herein levied shall be collected and administered in accordance with the procedure set forth in Section 40-21-85, and ~~all taxes or other funds received or collected under the provisions of the tax levied by subsection (a) of Section 40-21-121 shall be deposited into the State Treasury and~~, for those purposes the provisions of Section 40-21-85, are hereby incorporated into this section by reference. All tax revenue and other funds received or collected under subsection (a) of Section 40-21-121 shall be deposited into the State Treasury and used for the following purposes:

“(1) So much thereof as necessary is hereby appropriated to be used by the State Treasurer to pay at their respective maturities the principal and interest due in the fiscal year on the outstanding bonds issued by the Alabama Revolving Loan Fund Authority.

“(2) The residual balance thereof remaining shall be credited to the State General Fund.”

Section 11. Alabama Department of Economic and Community Affairs to Perform Administrative Functions; Allocations to Grantees.

(a) The Alabama Department of Economic and Community Affairs (ADECA) Planning and Economic Development Division shall perform the centralized administrative and recordkeeping functions for the Authority. ADECA shall ensure that grantees utilize their allocations of grant monies efficiently and effectively as revolving loan funds, pursuant to Sections 41-23-50 and 41-23-51, Code of Alabama 1975. The grantees shall provide to ADECA all information regarding the disbursements of revolving loan funds, terms and conditions of the revolving loans that are approved, jobs created and other information deemed necessary by the Authority to assess the respective revolving loan programs of the grantees. ADECA shall cause programmatic audits to be conducted on the utilization of revolving loan funds by grantees upon the request of the Authority. ADECA shall recommend to the Regional Revolving Loan Policy Committee, defined in Section 41-23-51, Code of Alabama 1975, a formula relative to the indirect cost of the Planning and Economic Development Division, to provide for the payment of the administrative and oversight requirements of ADECA pursuant hereto. The several regions shall contract with and pay ADECA an amount, at such times as necessary established by the formula agreed upon.

(b) ADECA shall not deduct from the net bond proceeds any administrative costs, service charges, salaries or fees for the performance of these functions on behalf of the Authority.

(c) ADECA shall make grants of equal amounts to the twelve regional planning and development commissions (grantees) from the net proceeds derived from the sale of the Authority's bonds within thirty days following the sale of the bonds.

Section 12. Disbursements of Funds. Out of the revenues appropriated and pledged in Section 9 hereof, the state treasurer is hereby authorized and directed to pay the principal of and the interest on the Bonds issued by the Authority under the provisions of this act, as the said principal and interest shall respectively mature, and the state treasurer is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 13. Dissolution of the Authority. At any time when no Authority Bonds or refunding Bonds are outstanding, the Authority may be dissolved upon the filing with the Secretary of State of an application for dissolution, which shall be subscribed by each of the directors of the Authority and sworn to by each director before an officer authorized to take acknowledgments to deeds. Upon the filing of the application for dissolution, the Authority shall cease to exist. The Secretary of State shall file and record the application for dissolution in an appropriate book of record in

his or her office, and shall make and issue, under the great seal of the state, a certificate that the Authority is dissolved, and shall record the certificate with the application for dissolution. Title to all property held in the name of the Authority shall be vested in the state upon dissolution of the Authority.

Section 14. Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, that notwithstanding the foregoing, this act shall not become effective until such time as the Constitutional Amendment proposed in Senate Bill 611 of the 1997 Regular Legislative Session is ratified.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Page:

**HB 1111.** To amend Section 27-7-5, Code of Alabama 1975, relating to the qualifications of an applicant for a license to sell property or casualty insurance, to provide further for an applicant who has a prior felony conviction when the applicant has been fully pardoned.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1111 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 17.** To provide for the coverage of screening mammography under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Freeman, the Senate concurred in and adopted the following House amendment to the Bill, SB 17, the title of which is set out in the foregoing Message from the House, to-wit:

**AMENDMENT TO SB 17**

On page 2, line 12, after the period, insert the following language:

“The term does not include accident-only, specified disease, individual hospital indemnity, credit, dental-only, Medicare-supplement, long-term care, or disability income insurance; coverage issued as a supplement to liability insurance, workers’ compensation or similar insurance; or automobile medical-payment insurance.”

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Smith:

**HB 51.** To provide for the payment of unused and accumulated sick leave to the designated beneficiary of an active and contributing member of the Teachers' Retirement System when the member dies in service; to require an appropriation from the Education Trust Fund to cover actual costs; and to establish a delayed effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 51 - to the Committee on Finance and Taxation Education

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Penry and McMillan (With Notice and Proof):

**HB 1113.** Relating to Baldwin County, permitting the county commission or the affected municipality to regulate and permit the sale and consumption of alcoholic beverages on Sunday.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1113, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1113 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turner (With Notice and Proof):

**HB 627.** Relating to Mobile County; to regulate the keeping of certain wildlife within five miles of any school; and to provide for civil enforcement of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 627, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 627 - to the Committee on Local Legislation No. 3

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Lindsey:

**HB 155.** To amend Section 22-27-3, Code of Alabama 1975; relating to the authority of local governing bodies to establish mandatory programs of solid waste collection and provide for exceptions to certain persons and entities; to provide further for exceptions for persons or entities served by a mandatory solid waste collection program established by a county.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 155 - to the Committee on Economic Expansion and Trade

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 351.** To authorize the incorporation of Alabama Drinking Water Finance Authority; to provide for the powers, authority and duties of its board of directors; to create and establish a state drinking water revolving loan fund; to authorize the authority to receive federal grants, state appropriations, and other appropriations and contributions; to authorize the authority to make agreements with the United States of America and its agencies and departments respecting the receipt, use and application of federal grants and contributions; to provide that the Alabama Department of Environmental Management shall be the agent of the authority in connection with the said revolving loan fund and loans made by the authority and



to confer upon said department full power and authority to take such actions as shall be necessary to cause the authority and the department to be and remain eligible for assistance from the United States of America with respect to grants available for safe drinking water; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of bonds and other securities, to be sold and issued and payable at such times and on such conditions as the directors may determine; to provide that all bonds and securities shall be payable solely from the sources specified in this act, including, without limitation, proceeds of bonds or other securities, amounts on deposit in the said revolving fund, federal grants, loan repayments and interest income; to authorize the authority to refund any bonds issued by it at such times, in such amounts and on such terms as the directors shall determine; to authorize the authority to obtain such credit enhancement in connection with any borrowing as the directors may determine to be advantageous; to authorize the authority to make loans to certain public bodies in the state and to determine the conditions on which such loans are to be made; to authorize the authority to enforce the provisions of such loan and to authorize each public body which is the recipient of any such loan to make all agreements as a condition precedent to such loan as may be required by the authority, the Alabama Department of Environmental Management or federal law; to authorize the authority to invest the proceeds of bonds or other securities, amounts on deposit in the said revolving loan fund, amounts appropriated or contributed to the authority or the Alabama Department of Environmental Management, by the state or the United States of America or any public body receiving a loan; to authorize the authority to appoint and engage one or more banks to receive, invest and disburse, as specified by the authority, all amounts on deposit in the said revolving loan fund and other funds received by the authority from any source; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision; and to exempt Class 1 municipalities from the provisions of this act.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dial, the Senate concurred in and adopted the following House amendment to the Bill, SB 351, the title of which is set

out in the foregoing Message from the House, to-wit:

**SUBSTITUTE FOR SB 351**

**A BILL  
TO BE ENTITLED  
AN ACT**

To authorize the incorporation of Alabama Drinking Water Finance Authority; to provide for the powers, authority and duties of its board of directors; to create and establish a state drinking water revolving loan fund; to authorize the authority to receive federal grants, state appropriations, and other appropriations and contributions; to authorize the authority to make agreements with the United States of America and its agencies and departments respecting the receipt, use and application of federal grants and contributions; to provide that the Alabama Department of Environmental Management shall be the agent of the authority in connection with the said revolving loan fund and loans made by the authority and to confer upon said department full power and authority to take such actions as shall be necessary to cause the authority and the department to be and remain eligible for assistance from the United States of America with respect to grants available for safe drinking water; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of bonds and other securities, to be sold and issued and payable at such times and on such conditions as the directors may determine; to provide that all bonds and securities shall be payable solely from the sources specified in this act, including, without limitation, proceeds of bonds or other securities, amounts on deposit in the said revolving fund, federal grants, loan repayments and interest income; to authorize the authority to refund any bonds issued by it at such times, in such amounts and on such terms as the directors shall determine; to authorize the authority to obtain such credit enhancement in connection with any borrowing as the directors may determine to be advantageous; to authorize the authority to make loans to certain public bodies in the state and to determine the conditions on which such loans are to be made; to authorize the authority to enforce the provisions of such loan and to authorize each public body which is the recipient of any such loan to make all agreements as a condition precedent to such loan as may be required by the authority, the Alabama Department of Environmental Management or federal law; to authorize the authority to invest the proceeds of bonds or other securities, amounts on deposit in the said revolving loan fund, amounts appropriated or contributed to the authority or the Alabama Department of Environmental Management, by the state or the United States of America or any public body receiving a loan; to authorize the authority to appoint and engage one or more banks to receive, invest and disburse, as specified by the authority,

all amounts on deposit in the said revolving loan fund and other funds received by the authority from any source; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature hereby finds and declares that the following facts are true and correct:

The 104th Congress of the United States of America has recently enacted into law amendments to Public Law 104-182 (the "federal act") commonly known as the "Safe Drinking Water Act;"

Congress, in the federal act, has determined that the Federal government is committed to maintaining and improving its partnership with the states in the administration and implementation of the federal act;

Congress has, in the federal act, determined that the requirements of the federal act with respect to safe drinking water will impose new requirements that may exceed the financial and technical capacity of many public water systems;

The federal act authorizes state revolving loan funds and authorizes the administrator of the Environmental Protection Agency to offer to enter into agreements with eligible states to make capitalization grants to further the health protection objectives of the federal act, promote the efficient use of fund resources and carry out the other purposes specified in the federal act;

The Legislature deems it necessary, desirable and in the public interest that the state take all action necessary to accomplish the full participation of the state in the revolving loan fund program authorized by the federal act in order to make available to public bodies funds available under the federal act;

Among the requirements of the federal act is the requirement that the state establish a revolving loan fund in compliance with the federal act and provide the other assurances, procedures and mechanisms to carry out the requirements of the federal act as a condition precedent to entering into

a grant and other agreements with the Federal government pursuant to which funds appropriated by the United States of America will be made available to the state for the purposes of the federal act;

It is necessary, desirable and in the public interest that the Alabama Department of Environmental Management, as the agency of the state charged with the primary responsibility for enforcing state and Federal standards for public water systems in the State, be authorized and directed, together with the public corporation herein provided for, to take such actions as are necessary to comply with the provisions of the federal act and to enter into capitalization grants and other agreements with the United States of America pursuant to the federal act;

The federal act authorizes the authority to accelerate the availability of assistance to public bodies by leveraging the amounts available under the federal act through the issuance of bonds of the authority in order to make funds available to public bodies as soon as possible; and

It is necessary, desirable and in the public interest that the authority herein provided for be created for the purpose of issuing its bonds to fully utilize the Federal assistance provided for in the federal act to the end that below market rate loans can be made available to public bodies for the purpose of facilitating compliance with the provisions of the federal act.

Section 2. The following words and phrases, whenever used in this act, shall have the following respective meanings unless the context clearly indicates otherwise:

**AUTHORITY.** The corporation organized pursuant to the provisions of this act as a public corporation, agency and instrumentality of the state and known as the "Alabama Drinking Water Finance Authority."

**AUTHORIZING RESOLUTION.** A resolution, order or other proceedings adopted by the board of directors of the authority authorizing the issuance of bonds, agreements and related matters.

**BOARD OF DIRECTORS.** The board of directors of the Authority.

**BOND PROCEEDS.** The net proceeds of sale of bonds or notes, and the income derived from the investment of such proceeds.

**BONDS.** The bonds, notes or obligations or other evidences of indebtedness issued by the authority under the provisions of this act.

DEPARTMENT. The department of environmental management or any successor.

FEDERAL ACT. The act of congress so designated (P.L. 104-182), as amended from time to time.

GOVERNMENT SECURITIES. Any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent such obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in such obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof (which may consist of the principal thereof or the interest thereon).

#### PERMITTED INVESTMENTS.

a. Government securities;

b. Bonds, debentures, notes or other evidences of indebtedness issued by any of the following agencies, to the extent that such obligations are secured by the full faith and credit of the United States of America: bank for cooperatives; federal intermediate credit banks; federal financing bank; federal home loan banks; federal farm credit bank; export-import bank of the United States; federal land banks; or farmers home administration, or any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the congress of the United States as an agency or instrumentality thereof, the bonds, debentures, participation certificates or notes of which are unconditionally guaranteed by the United States of America;

c. Bonds, notes, pass through securities or other evidences of indebtedness of the Government National Mortgage Association and participation certificates of the Federal Home Loan Mortgage Corporation;

d. Full faith and credit obligations of any state, provided that at the time of purchase such obligations are rated at least "AA" by Standard & Poor's Ratings Services and at least "Aa" by Moody's Investors Service, Inc.;

e. Time deposits evidenced by certificates of deposit issued by banks or savings and loan associations which are members of the federal deposit insurance corporation or the federal savings and loan insurance corporation, provided that, to the extent such time deposits exceed avail-

able federal deposit insurance, such time deposits are fully secured by obligations described in paragraphs a., b., and c. above, which at all times have a market value (exclusive of accrued interest) at least equal to such bank time deposits so secured, including interest;

f. Repurchase agreements for obligations of the type specified in paragraphs a., b., and c. above, provided such repurchase agreements are fully collateralized and secured by such obligations which have a market value (exclusive of accrued interest) at least equal to the purchase price of such repurchase agreements and which are held by a depository satisfactory to the authority in such manner as may be required to provide a perfected security interest in such obligations, and are 100 percent collateralized; and

g. Uncollateralized investment agreements with, or certificates of deposit issued by, banks or bank holding companies, the senior long-term securities of which are rated at least "AA" by Standard & Poor's Ratings Services and at least "Aa3" by Moody's Investors Service, Inc.

PROJECT. Projects eligible for assistance from the revolving loan fund as certified to the authority by the department, including, without limitation, (a) rehabilitation or development of sources to replace contaminated sources, (b) installation or upgrade of treatment facilities, (c) installation or upgrade of storage facilities, including finished water reservoirs, (d) installation or replacement of transmission and distribution systems, (e) consolidation of water supplies, (f) purchase of systems, (g) acquisition of real property and interests therein (including leasehold interests and rights-of-way), and (h) any expenditure of a type or category determined by the authority, the department or the Administrator of the Environmental Protection Agency to be of such nature as will facilitate compliance with national primary drinking water regulations or otherwise significantly further the health protection objectives of the federal act.

PUBLIC BODY. Includes each county, state agency, incorporated city or town, public corporation, district, cooperative, association, authority or any instrumentality thereof created by or pursuant to state law and having jurisdiction, power or authority with respect to the transmission, sale, production or delivery of drinking water, including also a combination of two or more of the foregoing.

REVOLVING LOAN FUND. The fund created by this act.

Section 3. There is hereby established the State of Alabama drinking water revolving loan fund, which shall be maintained in perpetuity and operated by the department as agent for the authority for the purposes stated

herein. Grants from the federal government or its agencies allocated, allotted or paid to the state for capitalization of the revolving loan fund, state matching funds where required, and loan principal, interest, and penalties and interest income and all other amounts at anytime required or permitted to be paid into the revolving loan fund shall be deposited therein. Proceeds of bonds issued by the authority, proceeds of capitalization grants, funds appropriated by the state, loan principal and interest payments, interest income and all other funds of the authority shall be deposited with one or more banks designated by the authority to act as depository or trustee with respect to such funds. The authority may establish one or more accounts or sub-accounts in the revolving loan fund in connection with the issuance of bonds, the receipt of capitalization grants or any other funds. Amounts in the revolving loan fund shall be expended in a manner consistent with terms and conditions of the federal capitalization grants and may be used to provide loans to public bodies to pay costs of projects; to secure principal and interest on bonds issued by the authority; to purchase debt incurred by public bodies for projects; to fund other programs which the federal government may allow in the future through its grants; to fund the administrative expenses of the department relating to the responsibilities and requirements of this act; and to provide for any other expenditure consistent with the federal grant program and state law. Amounts on deposit in the revolving loan fund may be invested in permitted investments and all interest earned on such investments shall be credited to the revolving loan fund and to one or more accounts or sub-accounts therein established by the Authority.

The revolving loan fund shall be administered by the department, as agent for the authority, and the department is authorized to establish procedures and adopt such regulations as may be required to administer the revolving loan fund program in accordance with applicable law and to enter into contracts and other agreements in connection with the operation of the revolving loan fund, including but not limited to, contracts and agreements with federal agencies, public bodies, the authority, and other parties to the extent necessary or convenient for the implementation of the revolving loan fund program. Acting as agent for the authority, the department shall maintain full authority for the operation of the revolving loan fund in accordance with applicable federal and state law. The department shall provide an annual report on the revolving loan fund program to the United States environmental protection agency as required by the federal act and to the governor.

Section 4. The governor, the lieutenant governor, the speaker of the house of representatives, the director of the department and the director of finance may become a public corporation to be known as the Alabama drinking water finance authority with the power and authority hereinafter provided, by proceeding according to the provisions of this act.

Section 5. (a) To become a corporation, the governor, the lieutenant governor, the speaker of the house of representatives, the director of the department and the director of finance shall present to the secretary of state of Alabama an application signed by them which shall set forth:

The name and official designation of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be the "Alabama drinking water finance authority";

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The secretary of state shall examine the application; and, if he or she finds that it substantially complies with the requirements of this section, he or she shall receive and file it and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name proposed in the application, and the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of the authority.

(b) The applicants named in the application and their respective successors in office shall constitute the members of the authority. The governor shall be the president of the authority, the director of the department shall be the vice-president thereof and the director of finance shall be the secretary thereof. The members of the authority shall constitute all the members of the board of directors of the authority, and any three members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reasons of death, resignation, expiration of



term of office or for any other reason, then the successor in office to such director shall take his or her place as a member, officer or director of the authority. No member, officer or director of the authority shall draw any salary, in addition to that now authorized by law, for any service rendered or for any duty performed in connection with the authority.

(c) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the authority and shall be recorded in a substantially bound book and filed in the office of the secretary. Copies of such proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 6. (a) The authority shall have the following powers, among others specified by or required to implement the provisions of this act:

To have succession in its corporate name until the principal of and interest on all bonds issued by it shall have been fully paid;

To sue and be sued and to prosecute and defend, at law and in equity, in any court having jurisdiction of the subject matter and of the parties thereto;

To have and to use a corporate seal and to alter such seal at pleasure;

To establish a fiscal year;

To acquire in any manner and to hold title to or leasehold interests in real and personal property and to sell, convey or lease the same for purpose of carrying out its functions and duties hereunder;

To construct and operate or lease to or from any public body any one or more projects;

To execute agreements obligating the authority to agree to pay and to pay such portion of the estimated reasonable cost of the project of each public body as may be required to meet the requirements of the federal act and the state;

To make loans to public bodies and to enter into agreements with public bodies deemed necessary by the authority;

To issue bonds or other obligations;

To enter into such agreements in connection with the sale of its bonds as the board shall determine, including arrangements for letters of credit, bond insurance or other credit enhancement devices, provided that no such arrangement shall obligate funds of the authority other than as provided in this act;

To appoint and employ such banks, attorneys, financial advisors, agents and employees as the business of the authority may require; and

To obligate the authority to make payments to the United States of America necessary to cause bonds of the authority to be and remain exempt from federal income taxation;

(b) The authority shall use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards.

Section 7. For the purpose of providing funds for the authority to make loans to public bodies for a project or projects, or for the payment of obligations incurred or temporary loans made for any of said purposes, the authority is hereby authorized, from time to time, to issue and sell its bonds or other evidences of indebtedness. Such bonds may be issued in one or more series; shall be in such form and denominations and of such terms and maturities, not exceeding 30 years from the date of issue of each series; shall bear such rate or rates of interest, payable and evidenced in such manner; may contain such provisions for registration or for redemption prior to maturity; and may contain such other provisions not inconsistent herewith, all as may be provided by the authorizing resolution. As security for the payment of the principal of and interest on its bonds, the authority is authorized to pledge, transfer and assign any obligations of each public body payable to the authority and the security for such obligation, all or any portions of the amounts on deposit in the revolving loan fund and the interest income therefrom, and any other funds available to the authority under the provisions of this act.

The bonds and other evidences of indebtedness of the authority may be sold at such time or times as the board of directors may deem advantageous. The bonds may be sold at private or public sale. Bonds sold at public sale may be offered on a basis determined by the authority to enable it to effect the sale of the bonds being sold at the lowest effective borrowing cost to the authority; provided, that if no bid acceptable to the authority is received, it may reject all bids and reoffer the bonds for sale. Notice of any public sale shall be given by publication in one or more newspapers published in the state or by distribution of summary notices of sale or both, in such form and published in such manner and at such times as the board of directors may determine. The authority may pay from the proceeds of the

sale of its bonds all expenses, including publication and printing charges, attorney's fees, paying agent and trustee fees, financial advisory fees, bond insurance premiums, letter of credit and other credit enhancement fees, and other expenses which the board of directors may deem necessary or advantageous in connection with the authorization, advertisement, sale, execution, issuance and delivery thereof.

Any bonds issued by the authority may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the bonds to be refunded, any interest to accrue on each bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with such refunding.

All bonds issued by the authority shall be solely and exclusively obligations of the authority, payable solely from the revenues, income, fees or charges pledged to the payment thereof. No bonds issued under the provisions of this act shall constitute a debt or liability of the state or any political subdivision thereof other than the authority or a pledge of the faith and credit of the state or of any political subdivision thereof, but such bonds shall be payable solely from the sources pledged or available for such payment as authorized in this act.

Section 8. (a) In order to provide for the funding of a loan by the authority for a project to the public body, such public body shall, to the extent required by the authority as a condition precedent to the making of a loan, establish a dedicated source of revenue to repay the moneys received from the authority and to provide for operation, maintenance and equipment replacement expenses. Such public body is hereby authorized and empowered, any existing statute to the contrary notwithstanding, to do and perform any one or more of the following:

To obligate itself to pay to the authority at periodic intervals a sum sufficient to provide bond debt service with respect to the bonds of the authority issued to fund the loan for such project;

To levy, collect and pay over to the authority and to obligate itself to continue to levy, collect and pay over to the authority the proceeds of any one or more of the following:

Any fee or charge for services from any one or more utility systems owned by such public body;

Any licenses, permits, taxes and fees;

Any special assessment on the property drained, served or benefitted by the project; and

Other revenue available to the public body;

To undertake and obligate itself to pay its contractual obligation to the authority solely from the proceeds from any one or more of the sources specified in subparagraph (2) above, or to impose upon itself a general obligation pledge to the authority additionally secured by a pledge of any one or more of such sources;

To obligate itself to continue to levy and collect such revenues, fees and charges in such amounts as shall be required by the authority;

As evidence of its obligation to repay any loan made by the authority, to issue its bonds, warrants or other obligations; and

To enter into such agreements, to perform such acts and to delegate such functions and duties as its governing body shall determine to be necessary or desirable to enable the authority to fund a loan to the public body to aid it in the construction or acquisition of a project.

(b) In the event of default, the authority may cause all principal and interest on any loan to be immediately due and payable and utilize all available remedies under state law.

(c) All loans made by the authority shall provide that repayment of such loans shall begin not later than one year after completion of construction of the project for which such loan was made and shall be repaid in full no later than 20 years after completion of such construction. The repayment period may be extended as required or permitted by the federal act so long as such extended repayment period does not exceed the expected design life of the project.

(d) The recipients of loans shall maintain project accounts in accordance with generally accepted government accounting standards.

Section 9. The bonds of the authority shall be signed by its president or vice-president and attested by its secretary, and the seal of the authority shall be affixed thereto; provided, that a facsimile of the signatures of said officers may be printed or otherwise reproduced on any such bonds in lieu of manual signatures thereon, and a facsimile of the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto.

Section 10. All notes, bonds or other securities issued by the authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation, the provisions of Chapter 8 of Title 8 of the Code of Alabama 1975.

Section 11. All bonds at any time issued by the authority and the income therefrom shall be exempt from all taxation in the state.

Section 12. The department is hereby authorized to enter into capitalization grant agreements, operating agreements and other arrangements required by the federal act as a condition precedent to the receipt of funds under the federal act. The department shall have full and continuing power to do all things necessary to be and remain in compliance with the provisions of the federal act necessary to cause the state to receive assistance under the federal act.

Section 13. This chapter is intended to aid the state through the furtherance of its purposes by providing an appropriate and independent instrumentality of the state with full and adequate powers to fulfill its functions. No proceeding, notice or approval shall be required for the incorporation of the authority, the purchase or making of any loan, the issuance of any bonds, or the exercise of any other power by the authority.

Section 14. This act is remedial in nature and shall be liberally construed to effect its purposes.

Section 15. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains. Any statute, law or regulation of the state which conflicts or is inconsistent with the provisions of this act is hereby repealed to the extent necessary to remedy such conflict or inconsistency.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Millican, Johnson (R), Turner, Boyd, Gipson, Seibenhener, Hall (L), Hawk, Dolbare, Melton, Letson, Hill, Perdue, Galliher, Allen, Morrison, Sims, McMillan, Willis, Laird, Minnifield, Moore, Turnham, Hawkins, Payne, Hilliard, Newton (D), Penry, Rogers (M), Burke, Hinshaw, White, Gaines, Page, and Starkey:

**HB 742.** Relating to health insurance plans and contracts; to add Section 27-50-1 to Title 27, Code of Alabama 1975, to provide for reimbursement or payment by a third party for services performed by certified registered nurse practitioners or certified nurse midwives; and to amend Section 10-4-115, Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 742 - to the Committee on Health and Human Resources

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Vance (With Notice and Proof):

**HB 923.** Relating to Russell County; to amend Section 1 of Act 95-573, H. 507 of the 1995 Regular Session, creating the Russell County Planning Commission; to provide further for the manner of appointment of members of the planning commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 923, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. McMillan, White, Warren, and Penry (With Notice and Proof):

**HB 1090.** Relating to Baldwin County; providing for additional court costs to be imposed on each person incarcerated in the Baldwin County jail; and providing for distribution of the revenues to be derived from the additional court costs.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1090, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Hall (A) (With Notice and Proof):

**HB 1099.** Relating to railroad crossings located on private property in Jackson County, to require a railroad company to indefinitely maintain any railroad crossing on private property if the crossing has existed for 20 years or more, unless the landowner and railroad company agree in writing otherwise; and to provide civil remedies for land owners if a railroad company fails to maintain such crossings.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1099, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 923, 1090, and 1099 - to the Committee on Local Legislation  
No. 1

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 488.** To amend Sections 40-18-190, 40-18-193, 40-18-197, and 40-18-198 of the Code of Alabama 1975 to clarify that if an investing company fails to meet the employment or wage criteria with respect to a qualifying project in any year subsequent to the year in which the qualifying project is placed in service, the investing company may still claim the capital credit in each future year in which it again meets such criteria, provided, however, that in no event shall an investing company be able to claim a capital credit in any year after: (1) the third year in which the company failed to meet the wage and employment requirements of existing law; or (2) the expiration of twenty years from the year in which the qualifying project is initially placed in service; to clarify the definition of a "headquarters facility" under existing law; to allow otherwise qualifying capital costs incurred by a city or county government or a public industrial development board or authority for the benefit of an investing company to count toward satisfaction of the capital investment threshold of existing law; to allow certain otherwise qualifying leasing costs to be utilized by an investing company to satisfy the capital investment threshold of existing law; to provide that the provisions of this act are severable; to provide that this act shall be retroactively effective to the effective date of Act No. 95-187; and to provide that no refunds shall be due or issued as a result of the retroactive effective date of this act.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

On motion of Senator Roberts, the Senate concurred in and adopted the following House amendment to the Bill, SB 488, the title of which is set out in the foregoing Message from the House, to-wit:



**SUBSTITUTE FOR SB 488**

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 40-18-193, 40-18-197, and 40-18-198 of the Code of Alabama 1975 to clarify that if an investing company fails to meet the employment or wage criteria with respect to a qualifying project in any year subsequent to the year in which the qualifying project is placed in service, the investing company may still claim the capital credit in each future year in which it again meets such criteria, provided, however, that in no event shall an investing company be able to claim a capital credit in any year after: (1) the third year in which the company failed to meet the wage and employment requirements of existing law; or (2) the expiration of twenty years from the year in which the qualifying project is initially placed in service; to clarify the application of the exception to the base wage requirement for direct processors of agriculture food products under existing law; to clarify the definition of a "headquarters facility" under existing law; to allow costs incurred by a public industrial development board or authority, city, county, or other public corporation or political subdivision, or a related party to an investing company for the benefit of a qualifying project to count toward satisfaction of the capital investment threshold of existing law; to provide that the provisions of this act are severable; to provide that this act shall be retroactively effective to the effective date of Act No. 95-187; and to provide that no refunds shall be due or issued as a result of the retroactive effective date of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. Sections 40-18-190, 40-18-193, 40-18-197, and 40-18-198 of the Code of Alabama 1975 are hereby amended to read as follows:

"§40-18-190.

"The following terms shall have the following meanings, respectively, when used in this article unless the context clearly requires otherwise:

"(1) Base wage requirement. Either an average hourly wage of not less than eight dollars (\$8) per hour or an average total compensation of not less than ten dollars (\$10) per hour, including benefits. Notwithstanding the foregoing, wages of direct processors of agriculture food products shall be subject to the local labor market. In the event that reliable local labor

market statistics are not available, the department shall, by regulation or ruling, establish a source of wage information that best represents the average hourly wage rate in alabama for direct processors of agriculture food products."

"(2) Capital costs. All costs and expenses incurred by one or more investing companies in connection with the acquisition, construction, installation and equipping of a qualifying project during the period commencing with the date on which such acquisition, construction, installation and equipping commences and ending on the date on which the qualifying project is placed in service, including, without limitation all of the following:

"a. The costs of acquiring, constructing, installing, equipping and financing a qualifying project, including all obligations incurred for labor and to contractors, subcontractors, builders, and materialmen.

"b. The costs of acquiring land or rights in land and any cost incidental thereto, including recording fees.

"c. The costs of contract bonds and of insurance of all kinds that may be required or necessary during the acquisition, construction or installation of a qualifying project.

"d. The costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, environmental mitigation and supervision of construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction and installation of a qualifying project.

"e. The costs associated with installation of fixtures and equipment; surveys, including archaeological and environmental surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries, and other surface obstructions; filling, grading, paving and provisions for drainage, storm water retention, installation of utilities, including water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; off-site construction of utility extensions to the boundaries of the property.

"f. All other costs of a nature comparable to those described, including, without limitation, all project costs which are required to be capitalized for federal income tax purposes pursuant to 26 U.S.C. §263A.

"g. Costs otherwise defined as capital costs that are incurred by the investing company where the investing company is the lessee under a lease that: (1) has a term of not less than five years, and (2) is firm and

~~noncancellable~~, and is characterized as a capital lease for federal income tax purposes; provided, that if the project is a headquarters facility, the lease may be characterized as an operating lease for federal income tax purposes in which event capital costs shall include the net present value of the payments made by the investing company under the lease computed using the applicable federal rate for the month in which the qualifying project is placed in service and for the term most closely approximating the term of the lease. Capital costs shall not include property ~~previously~~ owned or leased by the investing company or a related party ~~before the commencement of the acquisition, construction, installation or equipping of the qualifying project~~ unless such property was physically located outside the state for a period of at least one year prior to the date on which the qualifying project was placed in service.

“h. Costs either paid or incurred by (i) a public industrial development board or authority, city, or county, or other public corporation or political subdivision (a “public entity”) for the benefit of a qualifying project where such costs are treated as costs paid by an investing company with respect to the qualifying project for federal income tax purposes (such costs shall not include amounts contributed by a public entity to a qualifying project as a capital contribution or gift except to the extent that an investing company has cost basis in the contribution or gift for federal income tax purposes); or (ii) a related party to an investing company to the extent such costs are included in or taken into account in determining the investing company’s federal income tax basis in the qualifying project, whether or not incurred by an investing company.”

“(3) Capital Credit. An annual amount equal to five percent of the capital costs of the qualifying project, such amount to be credited or allowed in accordance with Section 40-18-194 hereof and other provisions of law, against the state income tax liability generated by or arising out of the qualifying project in each of the 20 years commencing with the year during which the qualifying project is placed in service and continuing for 19 consecutive years thereafter.

“(4) Department. The Alabama Department of Revenue.

“(5) Headquarters facilities. A facility which will serve as the national, regional or state headquarters for an investing company that conducts significant business operations outside the state and will serve as the principal office of the principal operating officer of the ~~investing company~~ qualifying project. For purposes of this Article 7, the term “principal operating officer” is defined as the person with chief responsibility for the daily business operations of the qualifying project.

“(6) Industrial, warehousing or Research activity. Any trade or business described in 1987 Standard Industrial Classification Major Groups 20 to 39, inclusive, 50 and 51, Industrial Group Number 737, and Industry Numbers 8731, 8733 and 8734, as set forth in the Standard Industrial Classification Manual published by the United States Government Office of Management and Budget, and includes such trades and businesses as may be hereafter reclassified in any subsequent publication of the Standard Industrial Classification Manual or other industry classification system developed in conjunction with the United States Department of Commerce, or any process or treatment facility which recycles, reclaims, or converts materials, which include solids, liquids, or gases, to a reusable product.

“(7) Investing company. Any corporation, partnership, limited liability company, proprietorship, trust or other business entity, regardless of form, making a qualified investment.

“(8) New employees. Those persons who have not been previously employed at the site on which the qualifying project is or will be located or by an investing company or companies in the state; will be employed full-time at the qualifying project; and will be subject to the personal income tax imposed by Section 40-18-2, upon commencement of employment at the qualifying project.

“(9) Project. Any land, building or other improvement, and all real and personal properties deemed necessary or useful in connection therewith, whether or not previously in existence, located or to be located in the state.

“(10) Qualifying investment. The undertaking by one or more investing companies of a qualifying project.

“(11) Qualifying project. A project to be sponsored or undertaken by one or more investing companies meeting any one of the following requirements:

“(a) A project the capital costs of which are not less than \$2,000,000, and at which the predominant trade or business activity conducted will constitute industrial, warehousing or research activity.

“(b) A small business addition the capital costs of which are not less than \$1,000,000, and at which the predominant trade or business activity conducted will constitute industrial, warehousing or research activity.

“(c) A headquarters facility the capital costs of which are not less than \$2,000,000.

“(12) Related party. A person or entity that bears a relationship to an investing company described in Section 267(b), (c), or (e) of the Internal Revenue Code of 1986, as amended.

“(13) Small business addition. Any land, building or other improvement, and all real and personal properties deemed necessary or useful in connection therewith, whether or not previously in existence, to be used as a part of any existing facility of a business located in the state that, prior to the date on which the addition is placed in service, had 100 or fewer full-time employees.

“(14) Tax year. The applicable taxable year as the term is defined in Section 40-18-1(11).

“(15) 1993 Act. Act No. 93-851, H. 27 and Act No. 93-852, H. 83 adopted at the 1993 First Special Session of the Legislature of Alabama, as amended by Act No. 94-370, S. 559 adopted at the 1994 Regular Session of the Legislature of Alabama.

“§40-18-193.

“(a) It shall be a condition to the receipt of a capital credit that either of the following occur:

“(1) Not less than 20 jobs for new employees at a qualifying project other than a small business addition be provided commencing with the date which is not later than one year after the qualifying project is placed in service ~~and continuing each year thereafter during which the capital credit is available with respect to the qualifying project~~ and that the average wages for each all new employees at the qualifying project be not less than the base wage requirement by the date which is not later than one year after the qualifying project is placed in service and during each year during which all or any part of the capital credit is available with respect to the qualifying project.

“(2) Not less than 15 jobs for new employees at the qualifying project which is a small business addition be provided commencing with the date which is not later than one year after the qualifying project is placed in service ~~and continuing each year thereafter during which the capital credit is available with respect to the qualifying project~~ and that the average wages for each all new employees at the qualifying project be not less than the base wage requirement by the date which is not later than one year after the qualifying project is placed in service and during each year during which all or any part of the capital credit is available with respect to the qualifying project.

“If an investing company closes an existing facility in this state and within two years following the closing places a qualifying project in service, only the number of new employees in excess of the number of employees who worked at the existing facility at the time of the closure shall be deemed to be new employees for purposes of this section.

“(b) The Legislature recognizes that one or more entities may enter into a joint venture in the form of a limited liability company, partnership, or other form of business entity in connection with a qualifying project. It is the intent of this article that the requirements of this article respecting minimum capital costs and employment be applied to the qualifying project and that the capital credit be available and granted to those entities liable for or against which the state income tax is allocated or assessed with respect to the income generated by or arising out of the qualifying project. It shall not be a requirement of this article that the entity employing any new employees be the same entity entitled to receive the capital credit so long as the requirements of capital costs and new employees are implemented and maintained with respect to the qualifying project.

“(c) A change of ownership or assignment of interest in any qualifying project shall not qualify the qualifying project or any taxpayer to receive any additional capital credits, and the purchaser, assignee, or successor of the qualifying project or interests therein shall be entitled to the capital credit upon the same conditions and for the same period as the investing company or companies originally entitled to the capital credit.

“(d) The Legislature recognizes that while certain periods specified in this article with respect to the capital credit are measured by calendar years it will be necessary for the capital credit to be applied with respect to the tax years of the recipients of the capital credit. Accordingly, the department is hereby authorized to adopt regulations to provide that the capital credit may be allocated to the tax years of the recipient of the capital credit, including the method of determining the pro rata amount of capital credit, if any, available where the tax year of the recipient of the capital credit will end subsequent to the end of any calendar year period specified in this article.

“(e) A company shall be considered to have met the employment and wage requirements for the portion of the year following the date upon which such requirements are first met and for each full year thereafter (such portion of a year and each full year thereafter during the 20 year credit period is hereinafter referred to as a “Compliance Year”) if the employment requirement is satisfied for at least 1 1/2 of each Compliance Year and the wage requirement is met based on an average determined over each Compliance Year.

“(f) Any investing company that meets the employment and wage requirements of this section by a date which is not later than one year after the date on which the qualifying project is placed in service, but fails to meet such requirements in any subsequent Compliance Year, may still claim the capital credit for each Compliance Year in which such investing company again meets the employment and wage requirements of this section. In no event, however, shall an investing company be able to claim a capital credit in a Compliance Year beginning: (i) after the third Compliance Year (whether or not consecutive) in which the investing company fails to meet the employment and wage requirements of this section; or (ii) more than nineteen (19) years after the year in which the qualifying project is first placed in service.”

“§40-18-197.

The department shall adopt regulations to carry out the provisions of this article. The department shall audit each investing company periodically to monitor compliance by the investing company with the provisions hereof which are conditions to the ~~continued~~ availability of capital credits for each year.

“§40-18-198.

At the time of filing any tax return with the department in which any capital credit is claimed under this article, the chief executive officer, the chief financial officer, or the person signing the tax return on behalf of the investing company shall file with the department an affidavit stating that the investing company was, ~~throughout the period~~ during the tax year for which a capital credit is claimed, in compliance with this article which are conditions to the qualification for and the ~~continued~~ availability of the capital credit herein authorized. The affidavit shall certify that the sum of all capital credits therefore received or allowed, when added to the capital credit claimed in the return, does not exceed the capital costs of the qualifying project.”

SECTION 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the part of this act that remains.

SECTION 3. Upon passage and approval by the Governor, or upon its otherwise becoming a law, this act shall be retroactively effective to the effective date of Act No. 95-187; provided, however, that no refunds shall be due or issued as a result of the retroactive effective date of this act.

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Dolbare:

**HB 90.** To provide for distinctive motor vehicle license plates to honor Alabama's Indian heritage and poultry and egg producers; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 90 - to the Committee on Agriculture and Forestry

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Rogers (M):

**HB 336.** To exempt the Anniston Fellowship House, Inc., and



the Wings of Life, Inc., and the Jacksonville Christian Outreach Center, Inc., from the payment of all state, county, and municipal sales and use taxes.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 336 - to the Committee on Fiscal Responsibility and Accountability

### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

**SB 494.** To amend sections 40-9B-3, 40-9B-4, 40-9B-5, and 40-9B-6, Code of Alabama 1975; to provide that the amendments are retroactively effective to May 21, 1992; and to provide that no refunds shall be due or issued as a result of the retroactive effective date of this act.

And the Speaker of the House has appointed as Committee on part of the House, Reps. Carns, Dukes, and Melton.

GREG PAPPAS,  
Clerk.

### FURTHER CONSIDERATION OF HB 590

The Senate proceeded to further consideration of the Bill:

**HB 590.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology until October 1, 2000, with certain modifications; to amend Sections 34-26-1, 34-26-2, 34-26-21, as amended by Act 96-394, 1996 Regular

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Session, 34-26-22, 34-26-41, as amended by Act 96-394, 1996 Regular Session, 34-26-43, 34-26-43.1, and 34-26-46, and Sections 34-26-40, 34-26-42, and 36-26-44, Code of Alabama 1975, so as to further define and regulate the practice of psychology to include practitioners known as psychological technicians; to provide further for the membership of the Board of Examiners in Psychology; to provide further for technician registration fees; and to clarify that certain psychologists working for governmental agencies and departments are exempt from licensing requirements.

and pending Bailey motion that the Senate concur in and adopt the amendment proposed by His Excellency, the Governor, which said Executive Amendment is set out in the Journal of the Senate for the Twenty-Seventh Legislative Day.

On motion to Senator Little, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

**HB 588.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Section 34-24-192, Code of Alabama 1975, so as to provide further for the membership of the board.

said Governor's Message being in words and figures as follows, to-wit:

**MESSAGE FROM THE GOVERNOR**

To the House of Representatives  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

REGULAR SESSION  
28th Day - May 7, 1997

2457

I transmit herewith to you a message from the Governor, returning House Bill No. 588, without the Governor's signature and with a suggested Executive Amendment.

Done this 26th day of March, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the  
Governor.

To the House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 588, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 588:

Please amend on page 2, line 16, by deleting, in its entirety, the sentence beginning with the word "In" and continuing through line 18 ending with the word "list."

Further amend by deleting, in its entirety, the sentence beginning on page 2, line 23 starting with the word "The" and continuing through line 3 of page 3, ending with the word "period."

Further amend on page 3, by inserting on line 10 before the word "Any", the following sentence: In the event of a vacancy within one year of the annual meeting at which the list containing his or her name was compiled, the Governor shall fill the vacancy by selecting another name from the remaining names on the list prepared pursuant to subsection (a) of this act.

Further amend on page 3, line 10, after the word "vacancy" and before the word "within" by inserting the following language: , other than one occurring prior to the next annual meeting after the initial appointment is made.

Further amend on page 3, line 10, by deleting the words "within a term"

Also amend on page 3, line 11, by removing the word “three” and replacing with the word five

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done this 26th day of March, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 588, by a vote of a majority of those voting, said vote being: Yeas 83, Nays 0.

And said Bill, HB 588, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### **HOUSE AND GOVERNOR’S MESSAGE**

On motion of Senator Little, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 588, the title of which and said Executive Amendment are set out in the foregoing Message from the House.

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

which was a majority of the whole number elected to the Senate.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

REGULAR SESSION  
28th Day - May 7, 1997

2459

I transmit herewith to you a message from the Governor, returning Senate Bill No. 452, without the Governor's signature and approval, but with the following Executive Amendment.

Done this 8th day of April, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the  
Governor.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 452, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO SENATE BILL NUMBER 452:

Please amend Senate Bill No. 452 on page 3, line 13 after the word "me" and before the word "market", by inserting the following language at its fair and reasonable.

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done this 8th day of April, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

**GOVERNOR'S MESSAGE**

On motion of Senator McClain, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

**SB 452.** Relating to Jefferson County; to amend Sections 2, 3, 4, 7, 8, 9, 11, 12, and 14 of Act No. 259, H. 530 of the 1943 Regular

Session, as amended, to provide further for the Expeditious and Economical Tax Appeals Act by allowing the jury to set the reasonable and fair market value of real property; deleting the consolidation of multiple parcels; establishing the original assessment as prima facie value; requiring payment of taxes based upon the prior year assessment while an appeal is active; and requiring payment of interest and costs.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 32 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -32

Nays:

- 0

which was a majority of the whole number elected to the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Willis (With Notice and Proof):

**HB 683.** Relating to Calhoun County; to authorize the Calhoun County Commission to levy an additional lodging tax; and to provide for distribution.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 683, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. McMillan, White, Warren, and Penry (With Notice and Proof):

**HB 1035.** Relating to the Twenty-Eighth Judicial Circuit of Ala-

bama and the establishment of a Pre-Trial Intervention Program by the District Attorney.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1035, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 683 and 1035 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Townsend, Carns, Murphree, Jorgensen, McKee, Maull, Flowers, and Hooper:

**HB 764.** Relating to insurance, to provide further for the regulation of health insurance by authorizing the Commissioner of Insurance to create a high risk pool to provide health insurance coverage to eligible individuals to be called the Alabama Health Insurance Plan, and also to promote the availability of health insurance coverage to small employers regardless of their health status or claims experience; to provide a premium tax offset for insurers funding the plan; to provide immunity to insurers participating in the plan; to exempt the plan from any taxation, and to provide an effective date.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 764 - to the Committee on Judiciary

## REPORTS OF COMMITTEES

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Wren:

**HB 172.** To amend Section 14-1-1.2 of the Code of Alabama 1975, relating to the Department of Corrections, to require the consent of the Legislature before a penal or corrections institution is leased, transferred, or placed under the management of a nongovernmental entity.

By Reps. Galliher and Ford:

**HB 636.** To exempt awards of severance pay or income from a supplemental income plan as a result of termination of employment from state, county, or municipal income tax.

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, as amended, and it was read a second time and placed on the calendar, to-wit:

By Reps. Carothers, Johnson (R), Drake, Clark (J), Seibenhener, Clouse, Maull, Sims, White, Layson, Baker, Moore, Hooper, Dean, and Laird (With Substitute, As Amended):

**HB 775.** To make further provision for the financing and construction of public roads and bridges in the State by the issuance of bonds by Alabama Highway Authority; to authorize the Authority to sell and issue from time to time not exceeding, in the case of bonds other than refunding bonds, \$700,000,000 aggregate principal amount of bonds; to authorize the Authority, subject to certain findings and determinations, to issue



and sell refunding bonds to refund bonds issued by the Authority under the provisions of this act; to provide for the details and the method of execution of the said bonds; to provide that bonds shall be sold at public sale and that the Authority shall determine the manner, terms and conditions of such sale, and to make other provision respecting such sale and the permitted uses, applications and investments of proceeds from the sale of bonds including refunding bonds; to provide for the establishment, from such proceeds, of certain funds and for the use of such funds and any investment earnings thereon; to allocate proceeds of bonds to pay construction costs of projects identified in the Act and to permit the authority and the department of transportation to allocate and reallocate such proceeds to other projects under certain circumstances specified herein; to permit the authority and the department of transportation to enter into agreements respecting the disbursement of proceeds of bonds; to provide that bonds issued under this Act shall not create an obligation or debt of the State but shall be limited obligations payable solely out of the revenues of the Authority appropriated and pledged therefor; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide a mechanism for defeasance of said bonds; to appropriate and pledge funds identified in this act to the extent necessary to pay the principal of, premium, if any, and interest on said bonds; to authorize the Authority to pledge for payment of the said principal of, premium, if any, and interest on said bonds the moneys appropriated and pledged in this Act for such purpose; to preserve prior pledges and covenants by the state; to adopt certain provisions of the act of the Legislature creating the Authority; to provide for a covenant of the Legislature not to reduce below certain levels appropriated and pledged taxes and fees while any of said bonds are outstanding and unpaid; to authorize the disbursement of moneys pledged for payment of said bonds; to provide that if any portion of this Act is held invalid such holding shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Box:

**HB 799.** To amend Sections 12-16-44, 12-16-57, 12-16-60, 12-16-63, 12-16-64, 12-16-70, 12-16-72, 12-16-76, 12-16-78, 12-16-81, 12-16-83, 12-16-85, and 12-16-86, Code of Alabama 1975, relating to jury selection; so as to provide for the creation of a master jury list in each

county or territorial subdivision as required by law and the elimination of jury commissions; to authorize the presiding circuit court judge to select the source lists for compiling a master jury list for the circuit and the Administrative Office of Courts to update the list; to provide further for method of determining the qualifications of jurors; to provide further for the excusal of prospective jurors and the frequency of service; to provide for the maintenance of records relating to jury summoning and qualifying; to delete references to the drawing of names from a jury box and jury commissions; and to repeal Sections 12-16-30 to 12-16-38, inclusive, 12-16-40, 12-16-45 to 12-16-51, inclusive, 12-16-58 to 12-16-59, inclusive, 12-16-61, and 12-16-145, Code of Alabama 1975.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Houston:

**HB 49.** To provide for a distinctive motor vehicle license tag or plate for members and supporters of fraternities and sororities; to prescribe the fees for the tags or plates; to provide for disposition of the net proceeds from the fees; to provide for a delayed effective date.

By Rep. Melton:

**HB 74.** To amend Sections 32-6-18 and 32-6-19 of the Code of Alabama 1975, relating to punishment for traffic violations; to impose an additional penalty of \$50 on any person found guilty of driving a motor vehicle with a revoked, suspended, or cancelled driver's license or without a driver's license; to provide that the additional penalty be allocated to the Traffic Safety Trust Fund in the State Treasury; and to provide that the Traffic Safety Section of the Alabama Department of Economic and Community Affairs administer the proceeds.

By Reps. Papucci, Hinshaw, and Jorgensen:

**HB 445.** To amend Section 32-6-133, Code of Alabama 1975, to further provide for the design of distinctive motor vehicle tags for disabled veterans.

By Reps. Jackson, Dolbare, Vance, Gaston, and Turner:

**HB 465.** To provide for distinctive motor vehicle license plates

for members of the Kiwanis International; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

By Reps. Galliher, Ford, Rogers (M), Gipson, Hall (L), Graham, Black (M), Burke, Clouse, and Gaston:

**HB 562.** Relating to grandparent visitation; to provide further for the right of a grandparent to petition for visitation of grandchildren; and to repeal Section 30-3-4, Code of Alabama 1975.

By Rep. Willis:

**HB 724.** To amend Sections 32-6-192 and 32-6-195 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; to provide that a distinctive license tag or plate may be issue to the wife or widow of a member of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America or to any person who holds a membership courtesy card validated by any shiner organization; and to provide for the return of the distinctive license tag or plate; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to allow spouses of the educators to purchase the distinctive license tags or plates.

By Reps. Millican, Collins, Johnson (R), Dolbare, Dean, Turner, Rogers (M), Hill, Gaines, Thomas (D), Spratt, Boyd, Galliher, Payne, Lindsey, Hinshaw, Rogers (J), Hooper, Newton (D), Perdue, Willis, Guin, Minnifield, Carothers, and Wren:

**HB 738.** To amend Section 36-26-35, Code of Alabama 1975, relating to the accrual of annual leave by state employees, to provide further for the leave accrued by law enforcement officers in the Department of Public Safety.

By Reps. Knight (A), Smith, Morrison, Jorgensen, Hill, and Curry:

**HB 840.** To provide for distinctive motor vehicle license plates for the supporters of the Citizenship Trust; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

By Reps. Kennedy and Hall (L):

**HB 858.** To provide for distinctive motor vehicle license plates

for supporters of the Sistas Can Survive Coalition; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

By Rep. Seibenhener:

**HB 1081.** To provide a penalty for any person who resides in or owns property in an unincorporated area of a communications district who fails to identify his or her property as required by the board of commissioners of the district.

Senator Ghee, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Rogers (M):

**HB 467.** To amend Sections 16-33C-6, 16-33C-8 and 40-18-19 of the Code of Alabama 1975, to provide further for the tax status and dissolution procedure for the Prepaid Affordable College Tuition program.

By Rep. Melton:

**HB 703.** Relating to any Class 4 municipality; to authorize the Legislature by local law to provide for the election and operation of the board of education in the municipality.

Senator McClain, Chairperson of the Standing Committee on Conservation, Environment, and Natural Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Knight (A), Moore, Morrison, Murphree, Sanderson, Hinshaw, Rogers (J), Jorgensen, Houston, Penry, Hill, Lindsey, Hilliard, Galliher, Burke, Millican, Hooper, and Haney:

**HB 823.** To enact the Uniform Conservation Easement Act, providing for the creation, enforcement, modification, duration, and termination of conservation easements on real property for conservation, recreational, and other related purposes.

By Rep. Hayden:

**HB 1083.** To amend Section 9-11-91.1, Code of Alabama 1975,

relating to unauthorized fishing from a fish farm without the consent of the owner, to make fishing from certain public roads or public rights-of-way located within a certain distance of a commercial fish pond unlawful; and to provide for penalties.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hill:

**HB 374.** Relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code; to repeal the current Article 5 (commencing with Section 7-5-101) and replace it with a new Article 5 regarding letters of credit; and to provide for the following regarding letters of credit: A short title; definitions of terms; scope of Article 5; formal requirements for letter of credit documents; to state that consideration is not required for letter of credit documents; the issuance, amendment, cancellation, and duration of letters of credit; the obligations of a confirmer, nominated person, and adviser; issuer's rights and obligations; fraud and forgery as it relates to the beneficiary, issuer, or applicant; warranties; remedies for the beneficiary, successor, or nominated person for breaches of obligations of a letter of credit; transfer of a letter of credit; transfer by operation of law; assignment of proceeds of a letter of credit; statute of limitations to enforce a right or obligation under Article 5; choice of law and forum; subrogation of issuer, applicant, and nominated person; prospective applicability of the article; a savings clause for transactions of letters of credit occurring prior to the effective date of this act; and to amend the following sections of Title 7: Section 7-1-105 to provide for territorial application of Title 5 and the power of parties to choose applicable law; Section 7-2-512 to conform a reference to the new Article 5; Section 7-9-103 relating to perfection of security interests in multiple state transactions; Section 7-9-104 to exclude the application of Article 9 to a transfer of a letter of credit other than rights to proceeds; Section 7-9-105 to add references to definitions of "letter of credit" and "proceeds of a letter of credit" to Article 9; Section 7-9-106 to further define "account" and "general intangibles" to include rights to proceeds of letters of credit; Sections 7-9-304 and 7-9-305 to specify perfection of a security interest in proceeds of a letter of credit by filing and by taking possession; and to provide a prospective effective date of January 1, 1998.

By Rep. Hill:

**HB 375.** To provide for the Uniform Multiple-Person Accounts

Act; to define terms; to specify accounts applicable; to specify forms; to provide for the designation of an agent; to specify application; to provide for ownership between parties and others; to specify rights at death and the alteration of rights; to provide that accounts and transfers are nontestamentary; to express rights of creditors and others; to specify authority of financial institutions, the payment on multiple-party accounts, the payment on a POD designation, the payment to a designated agent and a minor, and for discharge and setoff; and to provide for a short title, construction, application of principles of law, transitional provisions and a delayed effective date.

By Rep. Hill:

**HB 569.** To amend Section 5-3A-1 of the Code of Alabama 1975, relating to the duties of the Superintendent of the State Banking Department concerning banks organized under the laws of this state, to further provide for the time period for examinations of the banks.

Senator Hale, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Clark (W) (With Amendment):

**HB 1046.** To amend Sections 9-16-2, 9-16-4, and 9-16-8, Code of Alabama 1975, relating to surface mining; to increase the amount of surety required to secure the obligation to reclaim areas affected by surface mining and to further provide for certain exemptions to the permit and surety requirements.

Senator Biddle, Chairperson of the Standing Committee on Health and Human Resources, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Payne, Perdue, Hammett, Newton (D), Turner, Drake, Johnson (E), Holmes, Rogers (J), Burke, Sanderson, Black (M), and Haney:

**HB 657.** To amend Section 34-21-2, Code of Alabama 1975, to increase the membership on the Alabama Board of Nursing and to provide for the appointment of a consumer member.

By Rep. Johnson (R):

**HB 680.** Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1997, and September 30, 1998, and providing for a prospective effective date.

By Rep. Newton (C):

**HB 792.** To provide for a voluntary check-off designation on state income tax returns for the Alliance for the Mentally Ill of Alabama (AMI) and for the Mental Health Consumers of Alabama (MHCA).

By Reps. Gaston and Clouse:

**HB 852.** Relating to the Board of Dental Examiners; to amend Sections 34-9-15, 34-9-19, and 34-9-28, Code of Alabama 1975, so as to increase the penalty fee for the reinstatement of a license to practice dentistry after the automatic suspension of the license; to clarify advertising requirements; to increase the penalty fee for reinstatement of a license to practice as a dental hygienist after the automatic suspension of the license; to regulate services and advertisements relating to dental referral services; and to provide certain administrative disciplinary actions for violations.

By Rep. Flowers:

**HB 886.** Relating to the control and regulation of development of certain health care facilities through the certificate of need process; to amend Section 22-21-270 and Section 22-21-275 of the Code of Alabama 1975, to further provide for the certificate of need process and the review procedures by the State Health Planning and Development Agency.

By Reps. Sanderford, McDaniel, Vance, Papucci, Allen, Jorgensen, Gaston, McMillan, McKee, Hawk, and Starkey:

**HB 957.** Relating to assisted living administrators, to require the

licensing of assisted living administrators; to establish a board of examiners for assisted living administrators and provide for the appointment of board members and their duties and functions; to provide for the review of board decisions and authorize the board to receive and expend funds; to create a board fund; to provide for the governing body of the Alabama Association of Assisted Living Facilities to serve as an advisory council to the board; to establish procedures for examination, licensing, and reciprocity of licenses for assisted living administrators; to require continuing education for assisted living administrators; to authorize the board to conduct disciplinary proceedings, impose fines, and revoke and suspend licenses; to provide for an appropriation for the fiscal year ending September 30, 1998; and to prescribe penalties for violations of this act.

Senator Myers, Chairperson of the Standing Committee on Agriculture and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Smith and Lindsey:

**HB 1051.** Relating to the promotion of the production, marketing, use, and sale of ratites and ratite products; to provide a means by which members of the ratite industry may organize and by referendum levy upon themselves assessments for the purpose of financing promotional programs; to provide a means of collecting, disbursing, and expending any assessments; to provide for the promulgation of rules and procedures; and to prescribe penalties for violations of this act.

By Reps. Smith and Lindsey:

**HB 1052.** To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of the production, marketing, use, and sale of ratites and ratite products; to provide a means by which members of the ratite industry may organize and by referendum levy upon themselves assessments for the purpose of financing promotional programs; to provide a means of collecting, disbursing, and expending any assessments; to provide for the refund of assessments; and to provide for the promulgation of rules and procedures.

The above Bill was read a second time at length as required by the Constitution.

Senator Langford, Chairperson of the Standing Committee on Tourism and Marketing, reported that said committee, in session, had acted on



the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hill and Knight (A):

**HB 231.** To amend Section 11-41-8, Code of Alabama 1975, relating to validation of prior attempted incorporations by municipalities, to further provide for the validation of attempted incorporation prior to the effective date of this act.

Senator Amari, Chairperson of the Standing Committee on Business and Labor, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Parker (P):

**HB 457.** To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

Senator Sanders, Chairperson of the Standing Committee on Finance and Taxation Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Knight (J):

**HB 404.** To designate U. S. Highway 80 from Selma to Montgomery as the "International Voting Rights Trail"; and to create the International Voting Rights Trail Commission and provide for its membership and duties.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. McKee, Wren, Allen, Carns, Hooper, Townsend, and Clouse:

**HB 290.** To amend Section 41-16-120 of the Code of Alabama 1975, to provide further for the distribution, transfer, or disposal of certain surplus state personal property.

By Reps. Knight (A), Curry, Gaines, Hill, Carns, and Drake:

**HB 357.** To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

By Rep. Hayden:

**HB 362.** To provide for funding and payment of certain cost-of-living adjustments for retirees, surviving spouses, and designated beneficiaries of certain local public and quasi-public hospital corporations participating or formerly participating in the Employees' Retirement System.

By Reps. McMillan, Clark (J), McDaniel, Smith, and Hamilton:

**HB 567.** To further provide for the funding of state parks under the jurisdiction of the Department of Conservation and Natural Resources; to amend Section 9-2-106, Code of Alabama 1975, so as to provide for the continuous appropriation of certain interest to the state park fund; and to amend Section 9-2-107, Code of Alabama 1975, so as to provide for the continuous appropriation of certain interest to the State Park Revolving Fund.

By Rep. Thomas (J):

**HB 716.** To amend Section 36-27-48.1 of the Code of Alabama 1975, to provide further for purchase of service credit in the Employees' Retirement System for service for which a position was excluded from participation in the system.

By Reps. McMillan, Turner, Clark (J), McDaniel, Hawk, Minnifield, Jackson, Vance, Collins, Layson, Hamilton, Starkey, Turnham, Clouse, Johnson (R), Millican, Wren, Letson, Townsend, Morton, Haney, and Hammett:

**HB 1031.** To amend Sections 40-23-35 and 40-23-36, Code of Alabama 1975, to limit the amount of sales tax discount that may be allowed to \$900 per month per license holder, to provide further for the distribution and expenditure of the additional revenue generated by the cap on the saletax discount, and to authorize the payment into the State General Fund, to the extent necessary, an amount equal to the principal, interest, and premium (if any) on bonds issued by the Alabama State Parks System Improvement Corporation.

By Reps. McMillan, Clark (J), Hammett, Fuller, McDaniel, Hamilton, Collins, Carter, Penry, Mitchell, Jackson, Vance, Turnham, Clouse, Johnson (R), Millican, Wren, Letson, Petelos, and Haney:

**HB 1032.** To provide for the organization of a public corporation in the state to be known as Alabama State Park System Improvement Corporation; to provide for certain definitions; to designate the officers and members of the board of directors of the corporation; to prescribe the powers of the corporation, including the power to provide for the acquisition, provision, construction, improvement, renovation, equipping, and maintenance of state parks and park facilities; to implement the provisions of an amendment to the Constitution of Alabama of 1901, authorizing the state to become indebted and to sell and issue not in excess of \$80,000,000 in principal amount of general obligation bonds of the state for the purpose of providing for the acquisition, provision, construction, improvement, renovation, equipping, and maintenance of the state parks and park facilities of the state; to authorize the corporation to sell and issue for the state said bonds and refunding bonds therefor contingent upon the ratification by the qualified electors of the state of said constitutional amendment authorizing such issue; to provide that the said corporation shall specify the form and details of said bonds; to provide for the issuance of said bonds in series; to provide for the sale of said bonds; to provide for the temporary investment of the proceeds of said bonds; to provide for the payment of the expenses of issuance of said bonds; to provide for the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to said amendment and this act; to provide for the use of proceeds derived therefrom; and to provide for an effective date.

By Reps. McDaniel, McMillan, Gaston, Warren, Turner, Burke, Black (M), Hawk, Minnifield, Morrison, Jorgensen, Murphree, Dukes, Graham, Smith, Starkey, Hamilton, Turnham, Fuller, Layson, Collins, Clouse, Johnson (R), Millican, Wren, Vance, Jackson, Letson, Townsend, Petelos, Morton, Galliher, Curry, Haney, and Hammett:

**HB 1033.** To propose an amendment to the Constitution of Alabama of 1901, authorizing the issuance of general obligation bonds of the State of Alabama in an aggregate principal amount not exceeding eighty million dollars (\$80,000,000) for the purpose of the acquisition, provision, construction, improvement, renovation, equipping and maintenance of state parks and park facilities.

The above Bill was read a second time at length as required by the Constitution.

Senator Bedford, Chairperson of the Standing Committee on Local

Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Sims:

**HB 470.** Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Talladega County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Hill (With Notice and Proof):

**HB 905.** Relating to Shelby County; providing for an expense allowance for each member of the county commission.

By Rep. Carter:

**HB 937.** Proposing an amendment to the Constitution of Alabama of 1901, relating to Limestone County, to provide that the planning and zoning regulation of a municipality located wholly or partially in Limestone County shall not extend beyond the corporate limits of the municipality.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Jorgensen and Haney (With Notice and Proof):

**HB 986.** Relating to Madison County; to amend Section 1 of Act 90-695, H. 789 of the 1990 Regular Session (Acts 1990, p. 1350), relating to court costs, to provide for an increase in court costs collected in all district court cases.

By Rep. Hall (A) (With Notice and Proof):

**HB 1003.** Relating to railroad crossings located on private property in Madison County, to require a railroad company to indefinitely maintain any railroad crossing on private property if the crossing has existed for 20 years or more, unless the landowner and railroad company agree in writing otherwise; and to provide civil remedies for land owners if a railroad company fails to maintain such crossings.

By Rep. Vance (With Notice and Proof):

**HB 1036.** Relating to Russell County; to establish a county commission; and to provide for the election of the members of the commission.

By Rep. Galliher:

**HB 1041.** Proposing an amendment to the Constitution of Alabama of 1901, relating to St. Clair County, authorizing the St. Clair County Commission to levy an additional ad valorem tax for fire protection and emergency medical services.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Reed (With Notice and Proof):

**HB 1048.** Relating to Macon County; to amend Section 15 of Act 83-575, 1983 Regular Session, as amended, relating to the Macon County Racing Commission; to further provide for the distribution of the net proceeds of fees, commissions, taxes, and other monies received by the Macon County Racing Commission from the operation of the racetrack.

By Reps. McMillan, Warren, and Penry (With Notice and Proof):

**HB 1057.** Relating to Baldwin County; amending Sections 2 and 3 of Act No. 85-684, H. 1056, (Acts 1985, p. 1097), relating to court charges and the Baldwin County Law Library and Judicial Administration Fund, to make the \$1.50 court costs applicable in civil and quasi civil actions, equity, criminal, quasi criminal, proceedings on forfeited bail or forfeited bond in the circuit court of Baldwin County under certain conditions applicable in the Juvenile Court and in civil actions filed in the District Court of Baldwin County; and providing that this act shall be construed together with other laws relating to court costs in Baldwin County, and ratifying collections retroactively to January 1, 1977.

By Reps. McMillan, Penry, and Warren (With Notice and Proof):

**HB 1058.** Relating to Baldwin County; to allow the Baldwin County Commission to appropriate funds for lunches for state and county inmates who are performing labor in the county; to authorize a weekly allowance for inmates under certain conditions; and to allow the county commission to promulgate rules and regulations to administer this act.

By Rep. Vance (With Notice and Proof):

**HB 1086.** Relating to the City of Phenix City, Alabama, to repeal

conflicting provisions of Act 13, 1947 Regular Session, as amended, relating to the firemen's and policemen's pension and relief fund, upon acceptance of the fund as a city unit member under the Employees' Retirement System.

By Rep. Turnham (With Notice and Proof):

**HB 1088.** Relating to Lee County; amending Act 92-511 of the 1992 Regular Session, relating to an unattended or abandoned motor vehicle and the towing of certain motor vehicles, to provide further that in the jurisdiction of the City of Auburn, the city council may provide by ordinance for the charges and the manner in which unattended or abandoned motor vehicles may be wheel locked and towed.

By Reps. McMillan, White, Warren, and Penry (With Notice and Proof):

**HB 1089.** Relating to Baldwin County; authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for such an auction and for the disposition of proceeds.

By Rep. Newton (C) (With Notice and Proof):

**HB 1097.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Greenville in Butler County.

By Rep. Warren (With Notice and Proof):

**HB 1098.** Relating to Conecuh County; authorizing the county commission to impose an excise tax on persons, corporations, partnerships, companies, agencies, associations, trusts, estates, and other entities engaged in the business of selling, distributing, storing, or withdrawing from storage, gasoline and motor fuel in Conecuh County in an amount not to exceed three cents (\$0.03) per gallon; to provide for the collection and payment of the taxes and to provide for the distribution of the funds derived therefrom; to authorize the county commission to make rules and regulations for the collection of the tax; to provide for the enforcement of this act; to fix the penalty for the violation of this act; and to provide for a referendum on this act.

By Reps. Warren and Jackson (With Notice and Proof):

**HB 1100.** Relating to Conecuh County; amending Act 88-621, H. 736 of the 1988 Regular Session (Acts 1988, p. 971), relating to the size

of containers for beer or ale sold in the county.

By Reps. Reed and Bandy (With Notice and Proof):

**HB 1101.** Relating to Macon County; authorizing the levy, collection, and distribution of an occupational privilege license fee and providing for a referendum.

By Rep. Lindsey (With Notice and Proof):

**HB 1105.** Relating to Cherokee County; levying a lodging tax and providing for the distribution of the proceeds from the tax.

By Rep. Venable (With Notice and Proof):

**HB 1106.** To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Eclectic in Elmore County; and to further provide for the police jurisdiction of the municipality.

Senator McClain, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Rogers (J), Payne, Houston, Townsend, Perdue, Gaines, Carns, Hawkins, and Spratt (With Notice and Proof):

**HB 671.** Relating to the City of Birmingham in Jefferson County; amending Section 3 of Act No. 95-736, H. 568 of the 1995 Regular Session (Acts 1995, p. 1571), providing for an increase in the membership of the board of commissioners of the Birmingham Stadium and Exposition District Commission.

By Reps. Perdue, Hilliard, Minnifield, Newton (D), Houston, Rogers (J), Spratt, Johnson (E), and McAdory (With Notice and Proof):

**HB 915.** Relating to any Class 1 municipality; to authorize the incorporation of an authority as a public corporation for the purpose of providing public transportation service, upon the filing of an application with and the authorization of the incorporation by the governing body of the principal county where the Class 1 municipality is located and the governing body of the Class 1 municipality in the county; to provide for the amendment of the certificate of incorporation of an authority for certain purposes at any time, upon the authorization of each amendment by the governing

body of the principal county by which its incorporation was authorized and by the governing body of the Class 1 municipality in the county; to provide for the election and compensation of directors of the authority; to provide for the powers, authorities, and duties of an authority and its board of directors; to authorize an authority to acquire, construct, operate, improve, and finance one or more transit systems; to confer on an authority the power of eminent domain; to authorize an authority to expend funds for the purchase or lease of materials, equipment, supplies, or other personal property involving less than \$2,000, employ officers, employees, and agents without regard to any provisions of the state bid law or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by the authority; to provide for the issuance by an authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of any tax proceeds appropriated, allocated, or made payable to the authority or the revenues of any one or more of the transit systems of an authority, without regard to the system or systems with respect to which the revenue securities may have been issued; to provide that the revenue securities shall constitute negotiable instruments; to provide that the revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding an authority for the proper application of its revenues and of the proceeds of the revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable; to provide that any revenue securities of the authority may be issued under a trust indenture; to provide for constructive notice of any statutory mortgage lien; to authorize the assumption by an authority of obligations respecting any transit system, or parts thereof, acquired by the authority; to provide for the use of the proceeds of any revenue securities issued by an authority; to provide for the refunding, by the issuance of revenue securities of an authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by an authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend, or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to an authority; to exempt the property and income of an authority, and all securities issued by an authority and the income from the securities, and conveyances, leases, and mortgages and deeds of trust to which the authority is a party from all taxation in the state, to exempt every authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state,



and to exempt the authority from payment of certain charges to judges of probate; to provide that each authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by an authority; to require the board of directors of an authority to adopt an annual budget and to cause annual audits of the books and records of the authority to be made; to provide that no employee of an authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; to provide for the dissolution of an authority and the disposition of its property; to provide for taxation; and to provide for a referendum.

Senator Windom, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Pringle (With Notice and Proof):

**HB 1011.** Relating to Mobile County; repealing Act 476, H. 1434, 1915 Regular Session, which prohibits persons from hauling timber or logs on a two wheel vehicle over the highways of the county.

### REPORT FROM CONFIRMATIONS

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Elizabeth Woodruff to the Alabama Family Trust Board of Trustees

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Ms. Woodruff was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

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Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Cecil Carter to the Alabama Family Trust Board of Trustees

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Mr. Carter was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Audrey Parrish to the Alabama Family Trust Board of Trustees

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Ms. Parrish was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

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Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Jeff Gordon to the Alabama Family Trust Board of Trustees

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Mr. Gordon was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Guice Slawson, Sr. to the Judicial Inquiry Commission

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Mr. Slawson was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mary Fuzzell to the Cahaba Trace Commission

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Ms. Fuzzell was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mary Auburtin to the Cahaba Trace Commission

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Ms. Auburtin was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Con-

firmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Jack Crouch to the Cahaba Trace Commission

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Mr. Crouch was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Jean Rosene to the Cahaba Trace Commission

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Ms. Rosene was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the

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following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Elise Blackwell to the Cahaba Trace Commission

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Ms. Blackwell was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mike Reeves to the Farmers' Market Authority

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Mr. Reeves was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the

following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Leslie Hatchett to the Farmers' Market Authority

Senator Windom requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Mr. Hatchett was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of David Pearce to the Farmers' Market Authority

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Mr. Pearce was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

Senator Mitchem, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had acted on the

following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Susan Harwood to the Arts Education and Foreign Languages Courses of Study Committee

Senator Mitchem requested and received permission to suspend the provisions of Senate Rule 48(2) and the appointment of Ms. Harwood was confirmed by the Senate.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

**HB 277.** To provide for the establishment of the Alabama Higher Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to public institutions of higher education to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

said Governor's Message being in words and figures as follows, to-wit:

### MESSAGE FROM THE GOVERNOR

To the House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning



House Bill No. 277, without the Governor's signature and with a suggested Executive Amendment.

Done this 6th day of May, 1997.

Respectfully submitted,

WILLIAM P. GRAY,  
Legal Advisor to the  
Governor.

To the House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 277, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 277:

Please amend on page 7, lines 11 through 14, by deleting the underscored paragraph in its entirety.

Further amend on page 8, line 26, by deleting the underscored language "agent costs"

Further amend on page 15, line 18 by inserting the following new subsection immediately following subsection (4) and prior to Section 9.

"(5) All bonds issued by the authority shall be solely and exclusively obligations of the authority, payable solely from the sources pledged to the payment thereof. No bonds issued under the provisions of this act shall constitute a debt or liability of the state or any political subdivision thereof other than the authority or a pledge of the faith and credit of the state or of any political subdivision thereof, but such bonds shall be payable solely from the sources pledged or available for such payment as authorized in this act."

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done this 6th day of May, 1997.

Respectfully submitted,

FOB JAMES, JR.,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 277, by a vote of a majority of those voting, said vote being: Yeas 66, Nays 0.

And said Bill, HB 277, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Windom, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 277, the title of which and said Executive Amendment are set out in the foregoing Message from the House.

Yeas 21 Nays 1

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Denton, Dial, Freeman, Ghee, Hill, Lindsey, Lipscomb, Little, Mitchell, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -21

Nay: Senator Bedford - 1

which was a majority of the whole number elected to the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Starkey:

**HJR 485.** HONORING DR. WILLIAM S. STEWART UPON HIS RETIREMENT FROM THE UNIVERSITY OF NORTH ALABAMA.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 485, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gipson:

**HJR 473.** COMMENDING THE ORGANIZERS AND ENTIRE COMMUNITY WHO PARTICIPATED IN THE BUILDING OF THE MISSION PLAYGROUND IN THE CITY OF PRATTVILLE.

GREG PAPPAS,  
Clerk.

Senator Mitchell offered the following amendment to the Resolution, HJR 473, to-wit:

**AMENDMENT TO HJR 473**

On page 2, line 14, after the word "Alabama" insert the following language:

“,and especially Representative Mac Gipson and Senator Wendell Mitchell,”

Which was adopted.

**HOUSE MESSAGE**

And on motion of Senator Mitchell, the Rules were suspended and the Resolution, HJR 473, as thus amended, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Hawkins:

**HJR 474.** COMMENDING JAMES L. SMOTHERMAN FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

By Rep. Newton (C):

**HJR 475.** COMMENDING FORT DALE-SOUTH BUTLER ACADEMY ON THE 1997 GIRLS' TENNIS TEAM CHAMPIONSHIP.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

On motion of Senator Windom, the Rules were suspended and the Resolutions, HJR's 474 and 475, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Warren:

**HJR 477.** MOURNING THE DEATH OF WALTER EUGENE GARRETT OF URIAH, ALABAMA.

GREG PAPPAS,  
Clerk.

### **HOUSE MESSAGE**

On motion of Senator Windom, the Rules were suspended and the Resolution, HJR 477, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**RESOLUTIONS**

Senator Ghee requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 153.** FURTHER AMENDING ACT 96-6, SJR 8, 1996 FIRST SPECIAL SESSION, CREATING THE JOINT INTERIM LEGISLATIVE COMMITTEE ON COMPUTER ACCESS TO THE ALABAMA LEGISLATURE, TO EXTEND REPORTING TIME TO NOVEMBER 3, 1998.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the last full paragraph of Act 96-6, SJR 8, 1996 First Special Session, as amended, is amended to read as follows:

“The committee shall report its findings and conclusions, which shall include a demonstration project and recommendations, to the Legislature at the first opportunity or no later than November 3, 1998, at which time the committee shall be dissolved and discharged of any duties and liabilities.”

On motion of Senator Ghee, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 154.** COMMENDING THE ALABAMA SEAFOOD ASSOCIATION FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.

WHEREAS, highest commendation is hereby accorded the Alabama Seafood Association for its positive efforts and contributions to the seafood community of Bayou La Batre during the recent reef closure; and

WHEREAS, the backbone of the business industry, the Alabama Seafood Association, along with Pete Barber and Wayne Eldridge, worked tirelessly in organizing the combined efforts of three food distributions, as well as toy distributions, and assisted with water and shore clean-up; and

WHEREAS, the Alabama Seafood Association is held in high esteem by the seafood community and Bayou La Batre residents for the magnitude and importance of its community assistance with the successful clean-up of Red Tide; and

WHEREAS, other individuals and organizations which dedicated their resources and abilities to the benefit of the seafood community include Mobil Oil, Bay Area Food Bank, Mayor Warren Seaman and the Bayou La Batre City Council, and the Bayou La Batre Area Chamber of Commerce; and

WHEREAS, indeed, the contributions that companies such as the Alabama Seafood Association make to the business climate of the community enhance the quality of life for the entire population and instill a great sense of pride in its members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Seafood Association is indeed commended for its many contributions to the Bayou La Batre Community and, by copy of this resolution, extended sincere best wishes for continued success in the future.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Windom then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 155. COMMENDING MOBIL OIL FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.**

WHEREAS, highest commendation is hereby accorded Mobil Oil for its positive efforts and contributions to the seafood community of Bayou La Batre during the reef closure; and

WHEREAS, Mobil Oil was especially significant in efforts during the Red Tide closure by donating \$10,000.00 for the acquisition of over 800 toys and more than 300 turkeys; and

WHEREAS, the backbone of the business industry, Mobil Oil volunteers set up and organized toy distribution, worked registration, and assisted with food distributions at St. Margaret's and St. Michael's; and

WHEREAS, Mobil Oil is held in high esteem by the seafood community and Bayou La Batre residents for the magnitude and importance of its community assistance with the successful clean-up of Red Tide; and

WHEREAS, other individuals and organizations which dedicated their resources and abilities to the benefit of the seafood community include

the Alabama Seafood Association, Bay Area Food Bank, Mayor Warren Seaman and the Bayou La Batre City Council, and the Bayou La Batre Area Chamber of Commerce; and

WHEREAS, indeed, the contributions that companies such as Mobil Oil make to the business climate of the community enhance the quality of life for the entire population and instill a great sense of pride in its members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mobil Oil is indeed commended for its many contributions to the Bayou La Batre Community and, by copy of this resolution, extended sincere best wishes for continued success in the future.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Windom then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 156.** COMMENDING THE BAYOU LA BATRE BAY AREA FOOD BANK FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.

WHEREAS, highest commendation is hereby accorded the Bayou La Batre Bay Area Food Bank for its positive efforts and contributions to the seafood community of Bayou La Batre during the recent reef closure; and

WHEREAS, the Bay Area Food Bank was especially significant in efforts during the Red Tide closure when Gary DeKay and staff organized and assisted with distributions of over 46,000 pounds of food items; and

WHEREAS, the backbone of the business industry, the Food Bank also arranged for truck transportation of goods to each site; and

WHEREAS, the Bayou La Batre Bay Area Food Bank is held in high esteem by the seafood community and Bayou La Batre residents for the magnitude and importance of its community assistance with the successful clean-up of Red Tide; and

WHEREAS, other individuals and organizations which dedicated their resources and abilities to the benefit of the seafood community include

the Alabama Seafood Association, Mobil Oil, Mayor Warren Seaman and the Bayou La Batre City Council, and the Bayou La Batre Area Chamber of Commerce; and

WHEREAS, indeed, the contributions that businesses such as the Bayou La Batre Bay Area Food Bank make to the business climate of the community enhance the quality of life for the entire population and instill a great sense of pride in its members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bayou La Batre Bay Area Food Bank is commended for its many contributions to the Bayou La Batre Community and, by copy of this resolution, extended sincere best wishes for continued success in the future.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Windom then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 157. COMMENDING THE BAYOU LA BATRE AREA CHAMBER OF COMMERCE FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.**

WHEREAS, highest commendation is hereby accorded the Bayou La Batre Area Chamber of Commerce for its positive efforts and contributions to the seafood community during the reef closure; and

WHEREAS, championing scores of causes, the Bayou La Batre Area Chamber of Commerce was especially significant in efforts during the Red Tide closure by playing an instrumental role in area meetings, raising funds, and assisting in water and shore clean-up; and

WHEREAS, the backbone of the business industry, the Chamber also provided news releases to the media for the Bayou La Batre residents regarding dire needs of the seafood community; and

WHEREAS, volunteering to distribute toys and food, the Bayou La Batre Chamber is held in high esteem by the seafood community and Bayou La Batre residents for the magnitude and importance of its community assistance with the successful clean-up of Red Tide; and

WHEREAS, other individuals and organizations which dedicated



their resources and abilities to the benefit of the seafood community include the Alabama Seafood Association, Mobil Oil, the Bay Area Food Bank, Mayor Warren Seaman, and the Bayou La Batre City Council; and

WHEREAS, indeed, the contributions that businesses such as the Bayou La Batre Chamber make to the business climate of the community enhance the quality of life for the entire population and instill a great sense of pride in its members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bayou La Batre Area Chamber of Commerce is commended for its many contributions to the Bayou La Batre Community and, by copy of this resolution, extended sincere best wishes for continued success in the future.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Windom then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 158. COMMENDING MAYOR WARREN SEAMAN FOR HIS OUTSTANDING EFFORTS WITH RED TIDE.**

WHEREAS, Mayor Warren Seaman, a public servant of Bayou La Batre, has contributed extensively to the citizens of his community through his many activities and, as a tribute to his exemplary record of professional and community service during Red Tide, he is deserving of special public commendation; and

WHEREAS, Mayor Seaman exemplified the highest standards of professionalism while assisting with the organization of food distribution, water and shore clean-up, and the administration of grant funds through the Alabama Seafood Association to get assistance to affected families; and

WHEREAS, over his distinguished tenure, Mayor Seaman has served as a symbol of strength and inspiration and worked tirelessly and with unselfish devotion on behalf of Bayou La Batre residents; and

WHEREAS, an extraordinarily skillful businessman, Mayor Seaman indeed serves as a mentor, advisor, and friend to the seafood community, and is deeply committed to the Bayou La Batre Community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mayor Warren Seaman is commended on the magnitude of his community service and, by copy of this resolution, extended sincere best wishes for continued success.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Windom then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 159. COMMENDING ALLEN HORN FOR HIS OUTSTANDING EFFORTS WITH RED TIDE.**

WHEREAS, Allen Horn has contributed extensively to the citizens of his community through his many activities and, as a tribute to his exemplary record of professional and community service during Red Tide, he is deserving of special public commendation; and

WHEREAS, Mr. Horn exemplified the highest standards of professionalism acting in his capacity as President of the Bayou La Batre Chamber of Commerce while assisting with the organization of food distribution, water and shore clean-up, and the administration of grant funds through the Alabama Seafood Association to get assistance to affected families; and

WHEREAS, Allen Horn has served as a symbol of strength and inspiration and worked tirelessly and with unselfish devotion on behalf of the Bayou La Batre Chamber of Commerce and Bayou La Batre residents; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Allen Horn is commended on the magnitude of his community service and, by copy of this resolution, extended sincere best wishes for continued success.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom requested and received permission to sus-

pend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 160. COMMENDING DR. JANE BARTON MOORE ON HER PROFESSIONAL ACHIEVEMENTS.**

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Dr. Jane Barton Moore upon her retirement as Auburn University's chair of the Committee on Intercollegiate Athletics, and as Faculty Athletics representative, a position she has held since 1992; and

WHEREAS, a native of Dozier, Dr. Moore received her B. A. Degree from Judson College, M. S. Degree from the University of Tennessee, and her Ed.D. Degree in Physical Education from the University of Alabama; and

WHEREAS, after a long and distinguished career in higher education and athletic-related disciplines, Dr. Moore joined the Auburn staff in 1969, and held the rank of Professor and until 1992 was Director of Graduate Study in the Department of Health and Human Performance; and for eighteen years directed the Kindergarten Motor Development Program with Auburn City Schools; and

WHEREAS, a member of the Committee on Intercollegiate Athletics since 1975, serving as vice chair since 1986; Dr. Moore was a member of the Southeastern Conference Executive Committee from 1993-1996, as well as serving on the Advisory Committee to all Auburn student-athletes; and

WHEREAS, the author of numerous publications and sought-after speaker at workshops and conferences, Dr. Moore also has demonstrated exemplary leadership ability as a respected Board Member of the Boys and Girls Clubs of Greater Lee County, Committee Member of Auburn 2020, and a member of the Governor's Council on Fitness Task Force; and

WHEREAS, the recipient of many prestigious honors and awards which reflect the importance of her career, Dr. Moore was selected by The Cater Society as an Outstanding Woman Leader at Auburn University, and received the AAHPERD/NAGWS Pathfinder Award and Auburn University Athletics Department Pam Sheffield Award; and

WHEREAS, Dr. Jane Barton Moore indeed exemplifies the highest standard of professionalism and strives to reach excellence both on the field and in the classroom; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Jane Barton Moore on her retirement, and do further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 161. MOURNING THE DEATH OF WALTER GEORGE JOHNSTON, JR., OF AUBURN, ALABAMA.**

WHEREAS, recorded with deep and abiding sorrow is the lamentable death of Walter George Johnston, Jr., of Auburn, Alabama, on April 29, 1997; and

WHEREAS, born on December 20, 1925, in Lineville, Alabama, to Walter George Johnston and Cherry Bell Jones Johnston, Mr. Johnston spent his early years in Auburn and pursued studies at Auburn University; he also served his country with leadership abilities, honor, and patriotism in the United States Marines during World War II; and

WHEREAS, proving his versatility in a number of occupational settings, he began his tenure with Malones Bookstore in 1947, ultimately known as Hawkin's Bookstore, and, in 1953, founded the successful Johnston & Malone Bookstore, a popular bookstore in Auburn; and

WHEREAS, after purchasing Burton's, the oldest bookstore in Auburn, he also was instrumental in developing satellite bookstores at numerous colleges including Engineers' Bookstore at Georgia Tech and Braves Book Center at West Georgia College in Carrollton, Georgia; and

WHEREAS, Mr. Johnston, a prominent member of the community, was a torchbearer with Ralph's College Bookstore in Mobile, as well as with campus stores at Shorter College, Rome, Georgia, and LaGrange College, LaGrange, Georgia; and

WHEREAS, serving toward the betterment of his university and

the town he loved, Mr. Johnston was an active member of First Baptist Church, and continued his example of selfless service as a charter member and past president of the Auburn Civitan Club, Auburn Elks Club, Board of the Auburn Federal Savings & Trust, as well as a member of the original board of Auburn Little League; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deepest regret in the death of Walter George Johnston, Jr., and extend our deepest sympathy to his loving wife of 46 years, Dorry Ann Hayes Johnston, to whom a copy of this resolution shall be provided with our sincere condolence; to his daughter, Dixie Leigh Fraley and husband, Robert; two sons and daughters-in-law, Trey and Teresa Johnston and Skip and Glenda Johnston; five granddaughters, Lauren, Elizabeth, Tracey, Hannah, and Lydia Johnston; and other family members and friends, whose sorrow we share.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

### **BILL RE-REFERRED**

Senator Bedford, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the Bill, HB 269, and ordered same returned to the Senate with the recommendation that it be re-referred to another committee.

And the President and Presiding Officer of the Senate ordered said Bill, HB 269, re-referred to the Standing Committee on Economic Expansion and Trade.

### **RESOLUTIONS**

Senator Lipscomb requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

**SR 162.** COMMENDING JUDITH BARNES AS 1997-98 ELEMENTARY TEACHER AND ALTERNATE ALABAMA STATE TEACHER OF THE YEAR.

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Judith Barnes as recipient of the 1997-98 Elementary Teacher and Alternate Alabama State Teacher of the Year Award; and

WHEREAS, a fifth grade science teacher at Gulf Shores Middle

School in Baldwin County, she received her Master's Degree in Anthropology from Vanderbilt University and an undergraduate degree in education from Florida State University; and

WHEREAS, Ms. Barnes, who is impeccably qualified to hold this honored position after devoting many years of service as a teacher at Gulf Shores Middle School, has gained praise and recognition for her innovative publications; and

WHEREAS, continuing her high level of professional involvement in numerous organizations, she is a member ASTA, NSTA, and the Astronomy Society of the Pacific; and

WHEREAS, instrumental in the construction of Science Alive, a series of science handbooks for elementary teachers, Ms. Barnes is the recipient of many awards, including the prestigious 1992 Alabama Christa McAuliffe Fellow, and developed 35 Starlab Planetarium programs throughout the country during the 1992-93 school year; and

WHEREAS, in sincere admiration of her many notable accomplishments as an outstanding educator and school administrator, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Judith Barnes to the State of Alabama; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we hereby most highly commend Ms. Barnes as recipient of the 1997-98 Alabama Elementary Teacher of the Year Award, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Senator Lipscomb, the Resolution was adopted by the Senate.

Senator Lipscomb then requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

**SR 163. COMMENDING PAMELA TAYLOR HENSON AS 1997-98 TEACHER OF THE YEAR.**

WHEREAS, it is with utmost pride and pleasure that heartiest congratulations are herein extended to Pamela Taylor Henson as recipient of the 1997-98 Alabama State and Secondary Teacher of the Year Awards; and

WHEREAS, a science teacher at Foley High School in the Baldwin County school system, Ms. Henson received her master's degree, and was

granted certification in Administration for grades seven to 12, from the University of Mobile; she also completed a dual Education Specialist Degree in Biology and Administration; and

WHEREAS, Ms. Henson, who is impeccably qualified to hold this honored position after devoting many years of service as a teacher at Foley High School, has gained praise and recognition for her innovative educational programs with the educational TV station; and

WHEREAS, continuing her high level of professional involvement in numerous organizations she is a member of the National Marine Educators Association, National Earth Science Teachers Association, and the Alpha Delta Kappa Honorary Sorority, among others; and

WHEREAS, the recipient of many awards, including the prestigious Christa McAuliffe Fellow, Presidential Award for Excellence in Science and Mathematics, and Foley Teacher of the Year, she also was named Outstanding Biology Teacher for the State of Alabama; and

WHEREAS, in sincere admiration of her many notable accomplishments as an outstanding educator and school administrator, the Alabama Legislature acknowledges, with deep gratitude, the invaluable educational contributions of Pamela Taylor Henson to the State of Alabama; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we hereby most highly commend Ms. Henson as recipient of the 1997-98 Alabama State and Secondary Teacher of the Year, and further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Senator Lipscomb, the Resolution was adopted by the Senate.

### **BUDGET ISOLATION RESOLUTION**

Senator Dixon requested and received permission to suspend the Rules in order to bring up the Bill, HB 1007.

Senator Dixon, B.I.R., HB 1007, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Biddle, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey,

McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Smith, Steele, and  
Waggoner -25

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**HB 1007.** Relating to Elmore County; authorizing the county commission to levy an additional sales and use tax or an additional issuance fee on vehicle and watercraft licenses; providing for the collection, distribution, and use of the proceeds of the tax or fees; creating a separate fund to receive the taxes or fees; and prescribing additional duties on the Elmore County Commission.

was taken up.

Senator Dixon offered the following substitute for the Bill, HB 1007, to-wit:

### **SUBSTITUTE FOR HB 1007**

#### **A BILL TO BE ENTITLED AN ACT**

Relating to Elmore County; authorizing the county commission to levy an additional issuance fee on vehicle and watercraft licenses; providing for the collection, distribution, and use of the proceeds of the fees; creating a separate fund to receive the fees; and prescribing additional duties on the Elmore County Commission.

#### **BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act shall apply only to Elmore County.

Section 2. The County Commission of Elmore County may, in addition to all other charges, costs, taxes, or fees levied on the issuance of all motor vehicle license plates of any nature, levy a fee of up to ten dollars (\$10) per license plate. The county commission may also levy a user fee of up to five dollars (\$5) on each license decal issued for all watercraft of not more than 16 feet in length and a user fee of up to ten dollars (\$10) for any watercraft more than 16 feet in length. The vehicle and watercraft license may be levied for a period beginning July 1, 1997, and continuing through



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June 30, 1998, and shall apply to any vehicle or water craft subject to registration, or transfer of ownership, during that period.

Section 3. If the county commission imposes a fee authorized by this act, the authority shall be exercised in the following manner: A proposed resolution shall be advertised for two consecutive weeks in a newspaper of general circulation in Elmore County. The resolution shall then be introduced at a regularly scheduled meeting of the commission, and shall, without amendment, be approved at a subsequent regularly scheduled meeting. Should the advertised resolution require amendment, it cannot be approved at the same scheduled meeting at which it is amended, but must be enacted at a subsequent meeting.

Section 4. All funds received from the fees authorized by this act shall be placed in a special fund in the county treasury to be called the "Debt Reduction Fund." All funds deposited in the Debt Reduction Fund shall be used to reduce any general fund debt of the county which exists on June 30, 1997.

Section 5. The county commission shall seek advice from persons or groups with expertise in county government budgeting and accounting in an effort to make its operation more efficient. The county commission shall devise, with considerable input from county residents, a permanent plan to eliminate the present funding crisis, and shall submit said plan to qualified electors of the county on the ballots with the candidates seeking nomination in the June 1998 party primary elections.

Section 6. The county commission shall devise a simplified financial statement which it shall distribute quarterly. An accounting of the receipts and expenditures of the Debt Reduction Fund shall be made public monthly at a regularly scheduled commission meeting.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Clay, Davidson, Dixon, Escott-Russell, Freeman, Hill, Langford, Lipscomb, McClain, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Waggoner, and Windom

-25

Nays:

- 0

And said Bill, HB 1007, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Sanders, Smitherman, Steele, and Windom -25

Nays:

- 0

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

**SB 17.** To provide for the coverage of screening mammography under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

Also:

**SB 351.** To authorize the incorporation of Alabama Drinking Water Finance Authority; to provide for the powers, authority and duties of its board of directors; to create and establish a state drinking water revolving loan fund; to authorize the authority to receive federal grants, state appropriations, and other appropriations and contributions; to authorize the authority to make agreements with the United States of America and its agencies and departments respecting the receipt, use and application of federal grants and contributions; to provide that the Alabama Department of Environmental Management shall be the agent of the authority in connection with the said revolving loan fund and loans made by the authority and to confer upon said department full power and authority to take such actions as shall be necessary to cause the authority and the department to be and remain eligible for assistance from the United States of America with respect to grants available for safe drinking water; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any

of its corporate purposes of bonds and other securities, to be sold and issued and payable at such times and on such conditions as the directors may determine; to provide that all bonds and securities shall be payable solely from the sources specified in this act, including, without limitation, proceeds of bonds or other securities, amounts on deposit in the said revolving fund, federal grants, loan repayments and interest income; to authorize the authority to refund any bonds issued by it at such times, in such amounts and on such terms as the directors shall determine; to authorize the authority to obtain such credit enhancement in connection with any borrowing as the directors may determine to be advantageous; to authorize the authority to make loans to certain public bodies in the state and to determine the conditions on which such loans are to be made; to authorize the authority to enforce the provisions of such loan and to authorize each public body which is the recipient of any such loan to make all agreements as a condition precedent to such loan as may be required by the authority, the Alabama Department of Environmental Management or federal law; to authorize the authority to invest the proceeds of bonds or other securities, amounts on deposit in the said revolving loan fund, amounts appropriated or contributed to the authority or the Alabama Department of Environmental Management, by the state or the United States of America or any public body receiving a loan; to authorize the authority to appoint and engage one or more banks to receive, invest and disburse, as specified by the authority, all amounts on deposit in the said revolving loan fund and other funds received by the authority from any source; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision.

Also:

**SB 458.** Establishing the Alabama Child Support Reform Act of 1997; providing authority for the state Title IV-D agency to order genetic testing, to subpoena information, to obtain access to information from governmental agencies and public utilities, to change payees of support payments, to implement income withholding, and to increase the amount of monthly support payments; providing for quarterly data matches with financial institutions; providing for the seizure of accounts of delinquent obligors; providing for a central disbursement unit for the collection and disbursement of support payments; providing for access to criminal justice information; providing for the suspension of professional, occupational, and recreational licenses of obligors; providing for a central case registry of

support orders; providing for income withholding procedures for employers; providing for the admission of evidence and the barring of jury trials for paternity actions; providing for liens against property; requiring social security numbers on official documents and notice to individuals regarding the purpose for the social security numbers on such documents; amending Sections 26-17-10, 26-17-12, 26-17-13, 26-17-20, 26-17-22, 30-3-60, and 30-3-61, Code of Alabama 1975; and amending Sections 1, 2, 3, 5, 6, 7, 8, and 10 of Act 96-563, 1996 Regular Session, now appearing as Sections 30-3-170, 30-3-171, 30-3-172, 30-3-174, 30-3-175, 30-3-176, 30-3-177, and 30-3-179, Code of Alabama 1975.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### **FURTHER CONSIDERATION OF SB 514**

The Senate proceeded to further consideration of the Bill:

**SB 514.** To amend Sections 26-19-1, 26-19-2, 26-19-3, 26-19-4, 26-19-5, 26-19-7, 26-19-8, 26-19-9, and 26-19-10 of the Code of Alabama 1975, relating to the Missing Children Bureau; to change the name of the Missing Children Bureau to the Alabama Center for Missing and Exploited Children; to authorize the ACMEC to maintain data for law enforcement purposes only; to authorize the ACMEC to coordinate and provide assistance to state and local public and private non-profit agencies investigating cases of missing persons, exploited children, and unidentified bodies; to authorize the ACMEC to assist in the preparation and dissemination of fliers concerning missing persons, exploited children, and their abductors; to authorize the ACMEC to operate a resource center of information regarding prevention of abduction and sexual exploitation of children; to eliminate any waiting period for law enforcement to file reports to the ACMEC; to further define a missing Alabama school child; to require schools to provide to the ACMEC information on students enrolling in Alabama schools for the first time; and to provide that the center would act as a liaison for persons and cases involving exploited children in the same manner as missing children.

having been postponed on the Nineteenth Legislative Day.

Senator Amari offered the following substitute for the Bill, SB 514, to-wit:

**SUBSTITUTE FOR SB 514**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 26-19-1, 26-19-2, 26-19-3, 26-19-4, 26-19-5, 26-19-7, 26-19-8, 26-19-9, and 26-19-10 of the Code of Alabama 1975, relating to the Missing Children Bureau; to change the name of the Missing Children Bureau to the Alabama Center for Missing and Exploited Children; to authorize ACMEC to maintain data for law enforcement purposes only; to authorize ACMEC to coordinate and provide assistance to state and local public and private nonprofit agencies investigating cases of missing person, exploited children, and unidentified bodies; to authorize ACMEC to assist in the preparation and dissemination of fliers missing persons, exploited children, and their abductors; to authorized ACMEC to operate a resource center of information regarding prevention of abduction and sexual exploitation of children; to eliminate any waiting period for law enforcement to file reports to ACMEC; to further define a missing Alabama school child; to require the State Board of Education to provide to ACMEC information on students enrolling in Alabama schools for the first time; and to provide that the center would act as a liaison for persons and cases involving exploited children in the same manner as missing children.

On motion of Senator Amari, further consideration of the Bill, SB 514, was postponed temporarily.

**BUDGET ISOLATION RESOLUTION**

Senator Amari then requested and received permission to suspend the Rules in order to bring up the Bill, HB 22.

Senator Amari, B.I.R., HB 22, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 22.** To amend Sections 26-19-1, 26-19-2, 26-19-3, 26-19-4, 26-19-5, 26-19-7, 26-19-8, 26-19-9, and 26-19-10 of the Code of Alabama 1975, relating to the Missing Children Bureau; to change the name of the Missing Children Bureau to the Alabama Center for Missing and Exploited Children; to authorize ACMEC to maintain data for law enforcement purposes only; to authorize ACMEC to coordinate and provide assistance to state and local public and private nonprofit agencies investigating cases of missing person, exploited children, and unidentified bodies; to authorize ACMEC to assist in the preparation and dissemination of fliers missing persons, exploited children, and their abductors; to authorized ACMEC to operate a resource center of information regarding prevention of abduction and sexual exploitation of children; to eliminate any waiting period for law enforcement to file reports to ACMEC; to further define a missing Alabama school child; to require the State Board of Education to provide to ACMEC information on students enrolling in Alabama schools for the first time; and to provide that the center would act as a liaison for persons and cases involving exploited children in the same manner as missing children.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Butler requested and received permission to suspend the Rules in order to bring up the Bill, HB 918.

Senator Butler, B.I.R., HB 918, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Biddle, Butler, Davidson, Denton, Dial, Escott-

Russell, Figures, Freeman, Hale, Langford, Lindsey, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**HB 918.** Relating to Madison County; to exempt the Madison Athletic Association, the Madison Baseball Association, the Youth Development Association, Inc., the Madison Dolphins Swim Team, the Westco Girls Softball Team, and the American Youth Soccer Organization, Region 498, from the payment of all county and municipal sales and use taxes under certain conditions.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, HB 918, to-wit:

**SUBSTITUTE FOR HB 918**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Madison County; to exempt the Madison Athletic Association, the Madison Baseball Association, the Youth Development Association, Inc., the Madison Dolphins Swim Team, the Westco Girls Softball Team, and the American Youth Soccer Organization, Region 498, from the payment of all county and municipal sales and use taxes.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. In Madison County, the Madison Athletic Association, the Madison Baseball Association, the Youth Development Association, Inc., the Madison Dolphins Swim Team, the Westco Girls Softball Team, and the American Youth Soccer Organization, Region 498, is exempted from paying any county and municipal sales or use taxes.

Section 2. This act shall become effective on the first day of the

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third month following its passage and approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Bailey, Barron, Bedford, Butler, Davidson, Denton, Dial, Dixon, Freeman, Ghee, Hale, Langford, Lindsey, Little, McClain, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -25

Nays:

- 0

And said Bill, HB 918, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Myers, Roberts, Sanders, Smitherman, and Windom -25

Nays:

- 0

### **FURTHER CONSIDERATION OF SB 671**

The Senate proceeded to further consideration of the Bill:

**SB 671.** To provide that any person with two or more convictions of driving under the influence of any substance that impairs the ability of the person to safely operate a motor vehicle and who is subsequently convicted of driving under the influence of any substance that impairs their ability to safely operate a motor vehicle would pay an additional fee for reinstatement of their driver's license; and to provide for a distinctive "driving under the influence" driver's license.

and pending Amari substitute, which said substitute was offered on the Twenty-Seventh Legislative Day.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 123.** To amend Section 20-2-93 of the Code of Alabama



1975, relating to the seizure and forfeiture of property involving controlled substances, to allow the law enforcement agency to transfer seized real property or real estate to the Habitat for Humanity Organization within the area of the seized property.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 129.** To provide for water authorities to upgrade services, including fire hydrants; and to further provide for any savings as a result of lower insurance rates.

GREG PAPPAS,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

**SB 260.** To amend Section 28-3-1, Code of Alabama 1975, to provide further for the definition of beer, or malt or brewed beverages.

Also:

**SB 542.** To exempt The Bridge, Incorporated, from the payment of all state, county, and municipal sales and use taxes.

GREG PAPPAS,  
Clerk.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 123.** To amend Section 20-2-93 of the Code of Alabama 1975, relating to the seizure and forfeiture of property involving controlled substances, to allow the law enforcement agency to transfer seized real property or real estate to the Habitat for Humanity Organization within the area of the seized property.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

**SB 20.** To authorize the incorporation of the Alabama Revolving Loan Fund Authority; to provide for its governance and to confer upon it certain powers; to grant to the Authority the power to issue not exceeding \$12,000,000 principal amount of bonds for the purpose of making grants of revolving loan funds to the several regional planning and development commissions; to amend Section 40-21-123, Code of Alabama 1975, to appropriate to the Authority and pledge for payment of the principal of and interest on the bonds proceeds from the levy of the privilege or license tax on cellular radio telecommunication service to the extent necessary to pay the principal and interest at their respective maturities; to provide for the details of the bonds and for the terms of sale thereof; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agen-

cies, and for investment of fiduciary funds; to provide that the Department of Economic and Community Affairs shall perform administrative and recordkeeping functions on behalf of the Authority; to provide for the dissolution of the Authority and to provide for an effective date, subject to the ratification of the Constitutional Amendment proposed in Senate Bill 611 of the 1997 Regular Legislative Session.

Also:

**SB 488.** To amend Sections 40-18-193, 40-18-197, and 40-18-198 of the Code of Alabama 1975 to clarify that if an investing company fails to meet the employment or wage criteria with respect to a qualifying project in any year subsequent to the year in which the qualifying project is placed in service, the investing company may still claim the capital credit in each future year in which it again meets such criteria, provided, however, that in no event shall an investing company be able to claim a capital credit in any year after: (1) the third year in which the company failed to meet the wage and employment requirements of existing law; or (2) the expiration of twenty years from the year in which the qualifying project is initially placed in service; to clarify the application of the exception to the base wage requirement for direct processors of agriculture food products under existing law; to clarify the definition of a "headquarters facility" under existing law; to allow costs incurred by a public industrial development board or authority, city, county, or other public corporation or political subdivision, or a related party to an investing company for the benefit of a qualifying project to count toward satisfaction of the capital investment threshold of existing law; to provide that the provisions of this act are severable; to provide that this act shall be retroactively effective to the effective date of Act No. 95-187; and to provide that no refunds shall be due or issued as a result of the retroactive effective date of this act.

PAT LINDSEY,  
Chairperson.

## **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 611.** Proposing an amendment to the Constitution of Alabama of 1901; authorizing the appropriation of revenues from the cellular radio telecommunications service tax for the payment of principal and interest on the outstanding bonds of the Alabama Revolving Loan Fund Authority or its successor authority.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 141.** To repeal Section 21-3A-11, Code of Alabama 1975, relating to certain mandates for the Alabama Early Intervention Act for Infants and Toddlers with Disabilities.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 108.** To provide for ADECA to receive the balance of the unexpended amounts from each of the \$300,000 appropriated in fiscal years 1994-95 and 1995-96 for retirement at Community Action Agencies; and to provide for the remittance of the amounts by ADECA to the Community Action Agencies.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Executive Amendment to the Bill:

**SB 452.** Relating to Jefferson County; to amend Sections 2, 3, 4, 7, 8, 9, 11, 12, and 14 of Act No. 259, H. 530 of the 1943 Regular Session, as amended, to provide further for the Expeditious and Economical Tax Appeals Act by allowing the jury to set the reasonable and fair market value of real property; deleting the consolidation of multiple parcels; establishing the original assessment as prima facie value; requiring payment of taxes based upon the prior year assessment while an appeal is active; and requiring payment of interest and costs.

by a majority of those voting, said vote being: Yeas 74, Nays 0.

And said Bill, SB 452, together with the Executive Amendment, is herewith returned to the Senate.

GREG PAPPAS,  
Clerk.

**CALENDAR BILLS INDEFINITELY POSTPONED**

On motion of Senator Adams, further consideration of all Senate Bills remaining on the Calendar was indefinitely postponed by the Senate.

**FURTHER CONSIDERATION OF SB 671**

The Senate proceeded to further consideration of the Bill, SB 671. The question was on the Amari substitute.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 151   SJR 135   SJR 138   SJR 141   SJR 144   SJR 148

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SJR 133   SJR 136   SJR 139   SJR 142   SJR 147   SJR 149  
SJR 134   SJR 137   SJR 140   SJR 143

Delivered to the Governor on May 7, 1997, at 1:37 P.M.

SB 546

Delivered to the Governor on May 7, 1997, at 2:13 P.M.

SB 247   SB 133   SB 329

Delivered to the Governor on May 7, 1997, at 3:49 P.M.

SB 17   SB 351   SB 458

Delivered to the Governor on May 7, 1997, at 5:03 P.M.

SB 20   SB 488   SB 123

Delivered to the Governor on May 7, 1997, at 5:53 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 6:50 P.M., Senator Amari moved that the Senate take a recess until 7:30 P.M.

Senator Windom offered a substitute motion that, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, SB 671, the Senate adjourn until Thursday, May 8, 1997, at 10 o'clock A.M., which motion was adopted.

Yeas 20   Nays 11

Yeas:

Senators:

Barron, Bedford, Biddle, Clay, Dixon, Escott-Russell, Figures, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchem, Myers, Roberts, Smith-

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erman, Steele, Waggoner, and Windom

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Nays:

Senators:

Amari, Armistead, Bailey, Butler, Denton, Freeman, Ghee, Little, Mitchell,  
Poole, and Smith

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## **TWENTY-NINTH LEGISLATIVE DAY**

**THURSDAY, MAY 8, 1997**

The Senate met pursuant to adjournment, Lieutenant Governor Siegelman presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Ron Wilson, Pastor, First Baptist Church, Hartselle, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Matthew Wilson, Hartselle Junior High School, Hartselle, Alabama.

### **ROLL CALL**

Present:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

PAT LINDSEY,  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Lindsey, the foregoing report was concurred in and approved by the Senate.



**JOURNAL**

And on motion of Senator Mitchell, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Mitchell, leave of absence was granted Senator Davidson for today.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

**HJR 473.** COMMENDING THE ORGANIZERS AND ENTIRE COMMUNITY WHO PARTICIPATED IN THE BUILDING OF THE MISSION PLAYGROUND IN THE CITY OF PRATTVILLE.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

**HB 1007.** Relating to Elmore County; authorizing the county commission to levy an additional issuance fee on vehicle and watercraft licenses; providing for the collection, distribution, and use of the proceeds of the fees; creating a separate fund to receive the fees; and prescribing additional duties on the Elmore County Commission.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has

passed the following Senate Bill and returns same herewith to the Senate:

**SB 300.** To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Senate concurred in and adopted the following House amendment to the Bill, SB 300, the title of which is set out in the foregoing Message from the House, to-wit:

### SUBSTITUTE FOR SB 300

#### A BILL TO BE ENTITLED AN ACT

To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is the intent of the Legislature to prohibit access to tobacco and tobacco products by minors and thereby prevent all of the following:

(1) The possibility of addiction to tobacco or tobacco products by minors.

(2) Potential health problems associated with the use of tobacco or tobacco products.

(3) The failure by this state to comply with federal guidelines or grant funding requirements, when applicable, which relate to the establish-

ment by the state of programs and policies dealing with the sale of tobacco or tobacco products to minors.

Section 2. For purposes of this act, the following terms have the following meanings unless the context clearly indicates otherwise:

(1) BOARD. The Alabama Alcoholic Beverage Control Board.

(2) DISTRIBUTION. To sell, barter, exchange, or give tobacco or tobacco products for promotional purposes or for gratis.

(3) MINOR. Any person under the age of 19 years.

(4) PERSON. Any natural person, firm, partnership, association, company, corporation, or other entity. Person does not include a manufacturer or wholesaler of tobacco or tobacco products nor does it include employees of the permit holder.

(5) PROOF OF IDENTIFICATION. Any one or more of the following documents used for purposes of determining the age of a person purchasing, attempting to purchase, or receiving tobacco or tobacco products:

a. A valid driver's license issued by any state and bearing the photograph of the presenting person.

b. United States Uniform Service Identification.

c. A valid passport.

d. A valid identification card issued by any state agency for the purpose of identification and bearing the photograph and date of birth of the presenting individual.

e. For legal mail order purposes only a valid signed certification that will verify the individual is 19 years of age or older.

(6) RESPONSIBLE VENDOR PROGRAM. A program administered by the board to encourage and support vendors in training employees in legal and responsible sales practices.

(7) SAMPLER. Any business or person who distributes tobacco or tobacco products for promotional purposes.

(8) TOBACCO or TOBACCO PRODUCTS. Tobacco or any prod-

uct containing tobacco, including, but not limited to, the following:

- a. Cigarettes.
- b. Cigars.
- c. Chewing tobacco.
- d. Snuff.
- e. Pipe tobacco.
- f. Smokeless tobacco.

(9) TOBACCO PERMIT. A permit issued by the board to allow the permit holder to engage in the distribution of tobacco or tobacco products at the location identified in the permit.

Section 3. The board, in conjunction with federal, state, and local law enforcement agencies, shall enforce state and federal laws that prohibit the distribution of tobacco or tobacco products to minors. Notwithstanding the foregoing, for purposes of inspections and enforcement actions undertaken pursuant to this section, minors may be enlisted to attempt to purchase or purchase tobacco products, provided that such persons shall have the prior written consent of a parent or legal guardian, and provided further that such persons shall be directly supervised during the conduct of each inspection or enforcement action by an enforcement agent of the board, or by a sheriff or head of police of any county, city, town or other political subdivision, or by a deputy or officer thereof. No minor may misrepresent his or her age for the purpose of purchasing or attempting to purchase tobacco products. If questioned about his or her age during an attempt to purchase or receive tobacco products, a minor shall state his or her true age. A photograph or video recording of any minor assisting in an inspection or enforcement action shall be taken prior to the investigation. The appearance of a minor participating in an inspection or enforcement action shall not be altered at the time of the inspection, the minor shall be under the age of 18.

Section 4. Pursuant to its rule making authority, the board may promulgate rules and regulations that have the full force and effect of law, for purposes of, but not limited to, the following:

(1) Establishing permits for the distribution of tobacco or tobacco products.

(2) Preventing the distribution of tobacco products to minors.

(3) Conducting annual random compliance tests to assure compliance with applicable state and federal guidelines regarding the distribution of tobacco or tobacco products to minors. The tests may utilize minors and may involve any person or location engaged in the distribution of tobacco.

Section 5. The board may use funding, if available, from the Department of Mental Health and Mental Retardation, other state or federal agencies, grants, and private or public organizations to enforce this act and to provide and distribute tobacco prevention materials to retail tobacco merchants. The materials shall provide information regarding state and federal laws that prohibit access to tobacco or tobacco products by minors and other appropriate information. The board may also provide consultation services for establishing programs to minimize or eliminate sales of tobacco or tobacco products to minors pursuant to the responsible vendor program.

Section 6. No tobacco or tobacco product, except cigars, shall be distributed unless in an original factory-wrapped container. This prohibition also applies to the distribution of single cigarettes and packages containing less than 20 cigarettes.

Section 7. (a) Any person who distributes tobacco products within this state shall first obtain a permit from the board for each location of distribution. There is no fee for the permit.

(b) Any person who maintains a tobacco or tobacco product vending machine on his or her property in this state shall first obtain a permit from the board for each machine at each machine location. The permit for each machine shall be posted in a conspicuous place on the machine.

(c) A permit shall be valid only for the location specified in the permit application.

(d) A permit is not transferrable or assignable and shall be renewed annually. Notwithstanding the foregoing, if a location for which a permit is obtained is sold or transferred, the permit shall be transferred to the person obtaining control of the location and shall be valid for 30 days after the transfer during which time a new permit shall be obtained.

(e) If feasible, the board may, by rule or regulation, establish procedures for the issuance and renewal of permits which combine tobacco permit procedures with the application and licensing procedures for alcoholic beverages.

Section 8. It shall be unlawful for any person to distribute tobacco or tobacco products without first obtaining from the board the appropriate permit. Failure to obtain or display a valid permit by January 1, 1998, shall result in issuance of a warning citation. The board shall conduct an information and education campaign by its Responsible Vendor Program to inform distributors of tobacco products at retail or in vending machines of the requirements of this law. Failure to obtain or display a valid permit pursuant to this act after January 1, 1998, shall constitute a misdemeanor offense. Each violation for selling tobacco products without a valid permit shall be treated as a separate offense and be punishable as follows: For the first violation by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) and for each subsequent violation by a fine of not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500).

Section 9. (a) Subject to the Alabama Administrative Procedure Act, Chapter 22 of Title 41, Code of Alabama 1975, the board shall have full and final authority as to the suspension or revocation for cause of any permit issued pursuant to this act.

(1) The board may appoint a hearing commission of at least three persons which may do all of the following:

- a. Hear and decide all contested applications for permits.
- b. Hear and decide all charges against any permit holder or employee of a permit holder for violations of this act, the law, or the regulations of the board.
- c. Revoke or suspend permits as provided in this act.
- d. Levy administrative fines upon permit holders or employees of permit holders.

(2) No member of the hearing commission shall participate in the hearing or disposition of any application for a permit or charge against a permit holder or an employee of a permit holder if he or she has an interest therein or was involved in the investigation.

(b) The board, or a hearing commission appointed by the board, upon finding that a permit holder or any partner, member, employee, officer, or director of the permit holder has violated any of the laws of this state or the United States relating to the manufacture, sale, possession, or transportation of tobacco or tobacco products or that the permit holder has acted in a manner prejudicial to the welfare, health, peace, temperance, and

safety of the people of the community or of the state, may upon due notice and hearing, levy administrative fines or suspend or revoke the permit issued by the board, or a combination of all three. In all cases where the board or hearing commission shall levy an administrative fine, or suspend or revoke a permit, it shall set forth its findings of fact, the evidence from which the findings of facts are made, and the reasons upon which its actions are based.

(c) The fines as specified in subsection (e) of this act shall be applicable per each violation. The permit holder or employee shall remit the administrative fine to the board within seven calendar days from the day that the administrative fine is levied. Failure by the permit holder to pay the administrative fine within that time period shall result in an automatic suspension of the permit until the administrative fine is paid.

(d) The maximum length of suspension of a permit pursuant to this act shall be one year. A permit holder shall be ineligible to hold a permit pursuant to this act for the location where the violation occurred until the expiration or removal of the suspension. A permit holder whose permit is revoked by the board or the hearing commission shall be, at the discretion of the board or hearing commission, ineligible to hold a permit pursuant to this act until the expiration of one year from the date the permit is revoked at the location where the violation occurred.

(e) The following administrative fines may be levied for violations of this act against valid permit holders or employees, or both:

(1) Upon conviction for a first violation by the permit holder or an employee of the permit holder, the board or hearing commission may offer the permit holder an opportunity to provide training sessions administered by the Responsible Vendor Program in lieu of an administrative fine upon the permit holder and the employee, if the violation is by an employee, of not more than two hundred dollars (\$200).

(2) Upon conviction of a second violation at the same location within a two-year period, the board or hearing commission may levy an administrative fine upon the permit holder and the employee, if the violation is by an employee, of not more than four hundred dollars (\$400).

(3) Upon conviction of a third or subsequent violation at the same location within a two-year period, the board or hearing commission may levy an administrative fine upon the permit holder and the employee, if the violation is by an employee, of not more than seven hundred fifty dollars (\$750).

(4) Upon conviction of a fourth or subsequent violation at the same location within a two-year period, the board or hearing commission may levy an administrative fine upon the permit holder and the employee, if the violation is by an employee, of not more than one thousand dollars (\$1,000) and may suspend or revoke the permit.

(f) Before imposition of any administrative fine, the permit holder shall be afforded all procedural rights to due process in addition to those rights guaranteed by the Alabama Administrative Procedure Act, Chapter 22 of Title 41 of the Code of Alabama 1975.

Section 10. All funds collected pursuant to this act shall be deposited into the State General Fund. There is hereby annually appropriated and funded to the board from the State General Fund one million dollars (\$1,000,000) for implementing, administering, and enforcing this act. The expenditure of the appropriated and funded sums shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975.

Section 11. The board shall issue an annual report to the Governor, the Legislature, and the Attorney General concerning compliance by state retail merchants with this act. The report shall contain all of the following:

(1) The total number of retail distributors of tobacco products, categorized by type of retail outlet.

(2) The number of citations reported to the board, categorized by type of retail outlet.

(3) The total number of successful compliance checks, categorized by type of retail outlet.

(4) The extent and nature of organized educational and government activities intended to promote, encourage, or otherwise secure compliance with state and federal laws prohibiting the sale or distribution of tobacco products to minors.

(5) Information as to the level of access and availability of tobacco products to minors.

(6) Noted impediments to implementation of this act, as well as recommendations for alleviating the same.

Section 12. (a) An advisory board shall be established to monitor



the implementation of this act. The advisory board shall meet at least quarterly. Representation shall consist of one representative from each of the following:

- (1) The Office of the Governor.
- (2) The Office of the Attorney General.
- (3) The Department of Mental Health and Mental Retardation.
- (4) The Department of Public Health.
- (5) The Alcoholic Beverage Control Board.
- (6) The Senate as appointed by the Lieutenant Governor.

(7) The House of Representatives as appointed by the Speaker of the House of Representatives.

(8) The Alabama Oilmen's Association and the Alabama Convenience Store Operators as appointed by the Governor and selected from three nominees submitted by the Association.

(9) The Alabama Retail Association as appointed by the Governor and selected from three nominees submitted by the Association.

(b) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(c) The chair of the advisory board shall be a representative from the board who shall be responsible for the conduct of the meetings and any correspondence derived therefrom.

(d) Other than the legislative appointees, each representative shall be appointed by his or her respective department head, and shall hold the appointment for a one-year term.

(e) A representative may be reappointed as deemed appropriate by his or her department head, or in the case of legislative appointees, the Lieutenant Governor or Speaker of the House of Representatives.

(f) The advisory board may issue written recommendations for program modification to the board.

Section 13. It is unlawful for any minor to purchase, use, possess,

or transport tobacco or tobacco products within this state. It shall not be unlawful for a minor employee of a tobacco permit holder to handle, transport, or sell tobacco or tobacco products if the minor employee is acting within the line and scope of employment and the permit holder, or an employee of the permit holder who is 21 years of age or older, is present.

Section 14. Any tobacco or tobacco product found in the possession of a minor is contraband and subject to seizure by law enforcement. Any minor violating Section 13 of this act shall be issued a citation similar to a uniform nontraffic citation and shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each violation. The minor shall be required to attend local tobacco education classes and perform up to 25 hours of community service. Any statute or law to the contrary notwithstanding, disposition of any violation shall be within the jurisdiction of the district or municipal court and not the juvenile court. Violations shall not be considered criminal offenses and shall be administratively adjudicated by the district or municipal court.

Section 15. This act shall be read in *pari materia* with Section 13A-12-3, Code of Alabama 1975.

Section 16. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 17. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Also:

Amend SB 300, as amended, on page 11, by deleting lines 5 through 9 in their entirety and inserting in lieu thereof the following:

“act shall be deposited into the State General Fund. For the fiscal year ending September 30, 1997 there is hereby appropriated to the board from the State General Fund the sum of \$1,000,000, to be conditioned upon the availability of funds and the approval of the Governor. For the fiscal year ending September 30, 1998, there is hereby appropriated to the Board from the State General Fund the sum of \$1,000,000, to be conditioned upon the availability of funds and the approval of the Governor. The appropriations made herein shall be”

Also:

On page 12, after line 25, insert the following new language:

“(10) The Alabama Grocers’ Association as appointed by the Governor and selected from three nominees submitted by the association.”

Also:

Amend SB 300, as amended, on page 14 by deleting lines 6 through 8 in their entirety and inserting in lieu thereof the following:

“nor more than fifty dollars (\$50) for each violation. The minor shall not be required to pay any other court costs or fees. Any statute or law to”

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Denton, Dixon, Figures, Freeman, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Poole, Roberts, Smith, Smitherman, Steele, and Waggoner -24

Nays:

- 0

### **UNANIMOUS CONSENT GRANTED**

Senator Mitchell requested and received unanimous consent to allow Standing Committees to report out of order for today.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 157.** To amend Sections 38-9A-1, 38-9A-2, 38-9A-3, 38-9A-4, 38-9A-5, and 38-9A-6, Code of Alabama 1975, relating to the program for in-home services and equipment for persons with developmental disabilities to continue and further provide for the operation and funding of the program; to provide for tax exemption from all municipal, county, and state taxes; and to amend Section 9 of Act 93-334, S. 421, 1993 Regular Session, relating to termination so as to make the services and program permanent.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Senate concurred in and adopted the following House amendments to the Bill, SB 157, the title of which is set out in the foregoing Message from the House, to-wit:

**AMENDMENT TO SB 157**

Amend SB 157 on Page 16, line 19 by deleting the following:

“state.”

Further amend the bill on Page 16, line 19 by deleting the comma after the word “county”

Further amend the bill on Page 1, lines 23 and 24 by deleting the words “, and state”

Further amend the bill on Page 1, line 23 by adding the word “and” after “municipal” and deleting the comma after “municipal”

Also:

Amend SB 157 on Page 16, line 20 by striking the words:

“ad valorem, and”

Further amend the bill on Page 1, line 24 by adding “sales and use” before the words “taxes”

Further amend the bill on Page 16, line 18 by deleting the following:

“and all property owned and used by the councils,”

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Bedford, Butler, Denton, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Smith, Smitherman, Waggoner, and Windom

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Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 248.** To amend Sections 11-24-1, 11-24-2, and 11-24-3, Code of Alabama 1975, which relate to the regulation of subdivisions by counties; to require county commissions to approve or disapprove plats for proposed subdivisions; to provide that the county commissions may establish boards of developers; and to provide for civil enforcement of the regulations, including civil penalties for violations.

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Ghee, the Senate concurred in and adopted the following House amendments to the Bill, SB 248, the title of which is set out in the foregoing Message from the House, to-wit:

**AMENDMENT TO SB 248**

Amend SB 248 on page 6, line 10, by inserting after the period following the word "adequate" the following:

"If any utility affected by the plat is not properly notified then the approval or disapproval of the plat by the county commission shall not be valid until the affected utility has been given at least ten days' notice prior to such approval or disapproval as provided by this subsection."

Also:

Amend SB 248 on page 7, line 18, by adding after the word "fees" by adding the following language:

“, not to exceed actual costs,”

Also:

Amend SB 248 on page 3, line 1 by deleting the words, “and for any other purpose”

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Further amend SB 248 on page 3, line 6 after "utilities." by inserting the following language:

"A subdivision does not include the construction or development of roads or buildings on private property to be used for agricultural purposes."

Further amend SB 248 on page 5 by deleting lines 8 through 11 inclusive.

Also:

Amend SB 248 on page 2, line 26 after the words "purpose of" by inserting the following:

"Establishing or creating a subdivision through the"

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Bedford, Butler, Denton, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Myers, Poole, Roberts, Smith, Smitherman, Waggoner, and Windom -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman requested and received permission to suspend the Rules in order to bring up the Bill, HB 746.

Senator Freeman, B.I.R., HB 746, adopted.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays:

- 0

### BILLS ON THIRD READING

THE BILL:

**HB 746.** To amend Section 36-29-7 of the Code of Alabama

1975, to provide for a reserve in the health insurance fund administered by the State Employees' Insurance Board.

was read a third time at length and passed.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Poole requested and received permission to suspend the Rules in order to bring up the Bill, HB 99.

Senator Poole, B.I.R., HB 99, adopted.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**HB 99.** To provide for a salary increase for certain state employees for the fiscal year beginning October 1, 1997 and would create a Joint Legislative Committee to Study Employee Compensation.

was read a third time at length and passed.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay,

Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays: - 0

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman requested and received permission to suspend the Rules in order to bring up the Bill, HB 194.

Senator Freeman, B.I.R., HB 194, adopted.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 194.** To make an appropriation to the Department of Public Health from the State General Fund in the amount of \$11,006,144 for the fiscal year ending September 30, 1998, for educational purposes.

was taken up.

The Standing Committee on Finance and Taxation Education reported the following substitute for the Bill, HB 194, to-wit:

### **SUBSTITUTE FOR HB 194**

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation to the Department of Public Health from the State General Fund in the amount of \$10,521,144 for the fiscal year ending September 30, 1998, for educational purposes.



On motion of Senator Freeman, said substitute was laid on the table.

Senator Freeman then offered the following substitute for the Bill, SB 194, to-wit:

**SUBSTITUTE FOR HB 194**

**A BILL  
TO BE ENTITLED  
AN ACT**

To make an appropriation to the Department of Public Health from the State General Fund in the amount of \$11,506,144 for the fiscal year ending September 30, 1998, for educational purposes.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. There is hereby appropriated to the Department of Public Health from the State General Fund for the fiscal year ending September 30, 1998, the sum of \$11,506,144 for the following:

- |   |           |
|---|-----------|
| (a) Health Support Services Program .....   | 6,992,539 |
| The above appropriation shall be expended for the continuation of the programs in Public School Sanitation, licensure and certification, immunization activities at the county level, patient education and child health. |           |
| (b) Personal Health Services Program .....  | 2,978,605 |
| The above appropriation shall be expended for continuation of the programs for immunization of pre-school children and students, dental health, tuberculosis and nursing services.  |           |
| (c) Rural Nurses Training Program .....   | 700,000   |
| Of the above appropriation \$550,000 shall be expended for the continuation of the Southern Union Community College Rural Nursing Program and \$150,000 shall be expended at Central Alabama Community College.           |           |
| (d) Osteoporosis Education Program .....  | 185,000   |
| (e) HIV Education .....   | 150,000   |
| (f) Health Related Training Programs .....  | 150,000   |

The above appropriation shall be expended for Health Related Training Programs at Shelton State Community College.

- (g) Cooper Green Community Health Development Programs ..... 150,000  
(h) Nurses Training Program ..... 200,000

The above appropriation shall be expended at Jefferson State Community College.

Section 2. The above appropriation is for educational purposes which shall include but not be limited to providing for public school food sanitation, mandated immunization of pre-school children and primary preventive health education.

Section 3. The provisions of this act are severable. If any section, paragraph, sentence, clause, provision, or portion of the act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made.

Section 4. This act shall become effective on October 1, 1997.

Which was adopted.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays:

- 0

And said Bill, HB 194, as thus amended, was read a third time at length and passed.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lind-

sey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays: - 0

**COMMUNICATION FROM THE  
SUPREME COURT OF ALABAMA**

OCTOBER TERM, 1996-97  
OPINION OF THE JUSTICES

No. 363

Members of the Senate  
Alabama State House  
Montgomery, Alabama 36130

Dear Senators:

We have received Senate Resolution 126, by which you request the opinion of the Justices as to whether pending House Bill 765 violates certain provisions of the Constitution of Alabama of 1901. The resolution reads:

“BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinion on the following important constitutional questions which have arisen concerning the pending bill, House Bill 765, a copy of which is attached to this resolution and made a part hereof by reference.

“Generally, House Bill 765 levies in Hale County an additional privilege or excise tax on beer, malt, or brewed beverages in the amount of two cents per 12 fluid ounces or fraction thereof.

“The following relevant constitutional and statutory provisions are respectfully presented:

“Section 104 of the Constitution of Alabama of 1901 provides that nothing in Article IV shall affect the right of the Legislature to enact local laws regulating or prohibiting the liquor traffic.

“Section 105 of the Constitution of Alabama of 1901, which is located in Article IV, provides, no local law, except a law fixing the time of

holding courts, shall be enacted in any case which is provided for by a general law.

“Subsection (e) of Section 28-3-190 of the Code of Alabama 1975, relating to an excise tax upon beer, provides, ‘The tax herein levied is exclusive and shall be in lieu of all other or additional local taxes and licenses, county or municipal, imposed on or measured by the sale or volume of sale of beer...’

“Based on these provisions of law and other applicable provisions:

“1. Is House Bill 765 a local law regulating the liquor traffic as authorized by Section 104 of the Constitution of Alabama of 1901, and accordingly, constitutionally permissible?

“2. Does House Bill 765 violate Section 105 of the Constitution of Alabama of 1901, as a local law concerning an issue subsumed by the general law provided in Section 28-3-190?

“RESOLVED FURTHER, That the Secretary of the Senate is directed to send sufficient true copies of the pending bill, House Bill 765, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.”

House Bill 765 very simply proposes to levy a tax on beer sold in Hale County. Section 1 of House Bill 765 reads as follows:

“Section 1. Notwithstanding any provision of the law, in Hale County there is levied in addition to the beer tax imposed pursuant to Section 28-3-190, Code of Alabama 1975, an additional privilege or excise tax on beer, malt, or brewed beverages. The amount of the additional tax shall be two cents (\$0.02) per 12 fluid ounces or fraction thereof and shall be collected as other taxes on beer, malt, or brewed beverages.”

Section 104 of the Constitution of Alabama of 1901 begins: “The legislature shall not pass a special, private, or local law in any of the following cases,” and then lists 31 cases. It concludes:

“The legislature shall pass general laws for the cases enumerated in this section, provided that nothing in this section or article shall affect the right of the legislature to enact local laws regulating or prohibiting the liquor traffic; but no such local law shall be enacted unless notice shall have been given as required in section 106 of this Constitution.”

(Emphasis added.)<sup>1</sup> Section 105, Ala. Const. 1901, provides, in pertinent part, “No special, private, or local law, except a law fixing the time of holding courts, shall be enacted in any case which is provided for by a general law ....”

Section 28-3-190, Ala. Code 1975, levies a “privilege or excise tax” on persons licensed to sell beer, measured by the volume of sales by those persons of beer.<sup>2</sup> Section 28-3-190(c) provides for the disposition of the proceeds from this tax, specifically providing for the distribution of these proceeds in 31 counties.<sup>3</sup> The distribution of the proceeds of the beer tax in Hale County is governed by § 28-3-190(c)(2)(o). Section 28-3-190 concludes with the following paragraph (e):

“The tax herein levied is exclusive and shall be in lieu of all other or additional local taxes and licenses, county or municipal, imposed on or measured by the sale or volume of sale of beer; provided that nothing herein contained shall be construed to exempt the retail sales of beer from the levy of a tax on general retail sales by the county or municipality in the nature of, or in lieu of, a general sales tax.”

(Emphasis added.)

This Court held in Crosslin v. City of Muscle Shoals, 436 So. 2d 862 (Ala. 1983), that the act which became § 28-3-190 was a general law, notwithstanding the specific provisions regarding distribution of the proceeds in the 31 listed counties. This Court did not address in Crosslin the proviso in § 104 that allows local laws regulating the liquor traffic. It is perhaps significant that Probate Judge Crosslin, in advocating the constitutionality of the act later codified as § 28-3-190, contended that it was a general law, and not that it was a local law regulating the liquor traffic and therefore exempted by § 104 from the strictures of §§ 104 and 105.

The Court of Civil Appeals held in Danny’s, Inc. v. City of Muscle Shoals, 620 So. 2d 8 (Ala. Civ. App. 1992), that § 28-3-190 prohibited a local ordinance levying a tax on persons selling beer. The court did not refer to § 104, perhaps because § 104 pertains to legislative acts, not municipal ordinances.

Thus, the question before us is whether the proviso in § 104, which allows the Legislature to pass local laws regulating the liquor traffic, allows the Legislature to enact House Bill 765, notwithstanding that § 28-3-190 is a general law on the subject and that § 105 prohibits the enactment of a local law “in any case which is provided for by a general law,” and, further notwithstanding that § 28-3-190(e) provides that the tax levied by that section is “exclusive and in lieu of” any local tax or license “on or measured by the sale of beer.”

Does House Bill 765 propose to enact a law “regulating the liquor traffic”? The answer to this question depends on whether the proposed tax would be strictly a revenue measure or could reasonably be viewed as a regulatory measure.

The Court in State v. Commercial Loan Co., 251 Ala. 672, 38 So. 2d 571 (1948), addressed the distinction between taxes that are purely revenue measures and “taxes” or licenses, fees, or charges that are principally regulatory in purpose and effect. The Court distinguished between a “true” tax, which is a revenue measure, and a license, which requires the payment of a fee or charge as part of a regulatory measure imposed pursuant to the police power of the state. The Court noted that license fees are often informally referred to as taxes:

“[T]he word tax, unless expressly defined, is inclusive of both levies for revenue purposes and levies for regulatory purposes. In other words license fees are commonly called taxes even though strictly speaking they may be a charge or fee rather than a tax.”

251 Ala. at 675, 38 So. 2d at 573-74. State v. Commercial Loan Co. illustrates the difference between a tax that is purely a revenue-producing measure and a “tax” (whether a license fee or a true tax) imposed to regulate the business or activity being taxed.

In City of Mobile v. M.A.D., Inc., 684 So. 2d 1283 (Ala. 1996), an issue was presented as to whether the state liquor tax was a tax on the consumer or a tax on the retailer. In holding that it was a tax on the retailer, the Court contrasted the wine tax, which, in § 28-7-16(b), provides:

“Collection. -- The tax levied by subsection (a) of this section shall be added to the sales price of all table wine sold and shall be collected from the purchasers. The tax shall be collected in the first instance from the wholesaler where table wine is sold or handled by wholesale licensees, and by the board from whomever makes sales when table wine is sold by the board. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from [the] purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer. ...”

The Court also cited § 28-3-184, which levies a state tax on beer (as opposed to § 28-3-190, which levies a county tax on beer), as another example of legislation clearly imposing a consumer tax, saying:

“[T]he legislature knows how to make a tax a consumer tax. The legislature used unequivocal language in § 28-3-184, imposing a tax on ‘malt or brewed beverages’ and in § 28-7-16, imposing a tax on ‘table

wine,' to express its intention that those taxes be passed on to the consumer."

City of Mobile, 684 So. 2d at 1287.

Similarly, § 28-3-190(b) provides:

Collection. -- The tax levied by subsection (a) of this section shall be added to the sales price of all beer sold, and shall be collected from the purchasers. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a tax on the consumer, with the person, firm, corporation, club or association who pays the tax in the first instance acting merely as an agent of the county or municipality for the collection and payment of the tax."

Thus, § 28-3-190 clearly levies a consumer tax, not a tax on the retailer designed to regulate the business of selling beer. This conclusion is reinforced by the fact that Chapter 3A of title 28 clearly does regulate the sale of alcohol. That chapter is entitled "Alcoholic Beverage Licensing Code," § 28-3A-1, and, for example, requires a retail beer license for on-premises and off-premises consumption, § 28-3A-16, or a retail beer license for off-premises consumption, § 28-3A-17. Fees for these licenses are provided for in § 28-3A-4 and § 28-3A-21(a), and additional county fees are allowed by §§ 28-3A-4 and 28-3A-21(c). A glance at the provisions of Chapter 3A shows the extensive regulation imposed by that chapter.

If § 28-3-190 is simply a tax to raise revenue (1.625 cents per four fluid ounces of beer), not a law regulating the liquor traffic, then House Bill 765, which would enact a substantially identical tax for Hale County, is merely a revenue measure (2 cents per 12 fluid ounces of beer), not a "local law[] regulating ... the liquor traffic" within the meaning of § 104 of the Constitution.

Because we conclude that House Bill 765 does not propose "a local law regulating the liquor traffic as authorized by Section 104 of the Constitution of Alabama of 1901," its enactment would not be "constitutionally permissible," and we therefore answer your first question in the negative. Because a law enacted by House Bill 765 would not be exempted by the proviso of § 104 from the operation of Article IV of the Constitution, and because § 28-3-190, Ala. Code 1975, is a general law providing for the "case" (the term used in § 105 to which House Bill 765 pertains (and, moreover, because § 28-3-190(e) expressly prohibits other or additional local beer taxes), such a law would "violate Section 105 of the Constitution

of Alabama of 1901, as a local law concerning an issue subsumed by the general law provided in Section 28-3-190,” and we answer your second question in the affirmative.

Although the above discussion answers the questions presented, we add the following lest the Legislature infer that we are implying that a local law similar to House Bill 765 could be made constitutionally permissible by the simple expedient of calling it a bill to regulate the liquor traffic. Subsection (e) of § 28-3-190, a general law of statewide application to “wet” counties, expressly prohibits any other or additional local taxes and licenses on beer. A local law purporting to levy such a tax or license would necessarily be an attempt to amend a general law by a local law, when the general law expressly prohibits what the local law is attempting to do. Even aside from the application of § 105 of the Constitution, it seems unlikely that such an amendment of a general law by a local law could be sustained. However, we have not fully researched this question, because it is beyond the scope of the questions presented by S.R. 126.

#### QUESTIONS ANSWERED.

Respectfully submitted,

PERRY O. HOOPER, SR.,  
Chief Justice.

HUGH MADDOX,  
RENEAU P. ALMON,  
JANIE L. SHORES,  
J. GORMAN HOUSTON, JR.,  
MARK KENNEDY,  
RALPH D. COOK,  
Associate Justices.

#### COMMUNICATION RECEIVED

The foregoing Communication from the Supreme Court of Alabama was read and ordered filed with the Secretary.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bills



with the original Senate Bills, and finds same correctly enrolled, to-wit:

**SB 108.** To provide for ADECA to receive the balance of the unexpended amounts from each of the \$300,000 appropriated in fiscal years 1994-95 and 1995-96 for retirement at Community Action Agencies; and to provide for the remittance of the amounts by ADECA to the Community Action Agencies.

Also:

**SB 129.** To provide for water authorities to upgrade services, including fire hydrants; and to further provide for any savings as a result of lower insurance rates.

Also:

**SB 141.** To repeal Section 21-3A-11, Code of Alabama 1975, relating to certain mandates for the Alabama Early Intervention Act for Infants and Toddlers with Disabilities.

Also:

**SB 260.** To amend Section 28-3-1, Code of Alabama 1975, to provide further for the definition of beer, or malt or brewed beverages.

Also:

**SB 542.** To exempt The Bridge, Incorporated, from the payment of all state, county, and municipal sales and use taxes.

Also:

**SB 611.** Proposing an amendment to the Constitution of Alabama of 1901; authorizing the appropriation of revenues from the cellular radio telecommunications service tax for the payment of principal and interest on the outstanding bonds of the Alabama Revolving Loan Fund Authority or its successor authority.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 452.** Relating to Jefferson County; to amend Sections 2, 3, 4, 7, 8, 9, 11, 12, and 14 of Act No. 259, H. 530 of the 1943 Regular Session, as amended, to provide further for the Expeditious and Economical Tax Appeals Act by allowing the jury to set the reasonable and fair market value of real property; deleting the consolidation of multiple parcels; establishing the original assessment as prima facie value; requiring payment of taxes based upon the prior year assessment while an appeal is active; and requiring payment of interest and costs.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman requested and received permission to suspend the Rules in order to bring up the Bill, HB 121.

Senator Freeman, B.I.R., HB 121, adopted.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay,

Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**HB 121.** To make an appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays: - 0

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 120.

Senator Freeman, B.I.R., HB 120, adopted.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**HB 120.** To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 33 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -33

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 117.

Senator Freeman, B.I.R., HB 117, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**HB 117.** To make an appropriation of \$192,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal

year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 7.

Senator Freeman, B.I.R., HB 7, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 7.** To make an appropriation from the State General Fund in the amount of \$2,550,000 to the full member Children's Advocacy Centers for the fiscal year ending September 30, 1998, and to require operations plans and audited financial statements prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

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Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 118.

Senator Freeman, B.I.R., HB 118, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays.

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 118.** To make an appropriation of \$759,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers,

Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 115.

Senator Freeman, B.I.R., HB 115, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays: - 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 115.** To make an appropriation of \$93,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 116.

Senator Freeman, B.I.R., HB 116, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 116.** To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 114.

Senator Freeman, B.I.R., HB 114, adopted.

Yeas 34 Nays 0



Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 114.** To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 138.

Senator Freeman, B.I.R., HB 138, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers,

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Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**HB 138.** To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 215.

Senator Freeman, B.I.R., HB 215, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**HB 215.** To make an appropriation of \$100,000 from the State General Fund to the Montgomery Minority Business Development Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 137.

Senator Freeman, B.I.R., HB 137, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**HB 137.** To make an appropriation of \$60,000 from the State

General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 529.

Senator Freeman, B.I.R., HB 529, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 529.** To provide site preparation grants to certain qualified corporations and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 1072.

Senator Freeman, B.I.R., HB 1072, offered.

On motion of Senator Freeman, the Rules were suspended and further consideration of the B.I.R. for the Bill, HB 1072, was postponed subject to the call of the Chair.

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 136.

Senator Freeman, B.I.R., HB 136, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 136.** To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year

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ending September 30, 1998, and to require an operations plan prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 135.

Senator Freeman, B.I.R., HB 135, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom  
-34

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 135.** To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 134.

Senator Freeman, B.I.R., HB 134, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 134.** To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers,

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Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to sus-  
pend the Rules in order to bring up the Bill, HB 97.

Senator Freeman, B.I.R., HB 97, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay,  
Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill,  
Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers,  
Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 97.** To make an appropriation of \$100,000 from the State  
General Fund to the Alabama Travel Council for the fiscal year ending  
September 30, 1998, and requires an operations plan and an audited finan-  
cial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay,  
Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill,  
Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers,  
Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0



**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 96.

Senator Freeman, B.I.R., HB 96, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 96.** To make an appropriation of \$62,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

Senator Freeman offered the following substitute for the Bill, HB 96, to-wit:

**SUBSTITUTE FOR HB 96**

**A BILL  
TO BE ENTITLED  
AN ACT**

To make an appropriation of \$62,761 from the State General Fund to the Tri-Rivers Waterway Development Authority and to make an appropriation of \$65,000 from the State General Fund to the Tennessee River Valley Association for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. For the fiscal year ending September 30, 1998, there is hereby appropriated to the Tri-Rivers Waterway Development Authority from the State General Fund the sum of \$62,761. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill in Section 1 for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. For the fiscal year ending September 30, 1998, there is hereby appropriated to the Tennessee River Valley Association the sum of \$65,000 from the State General Fund. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 4. This act shall become effective October 1, 1997.

Which was adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

And said Bill, HB 96, as thus amended, was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers,

Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 133.

Senator Freeman, B.I.R., HB 133, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays: - 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 133.** To make an appropriation of \$69,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 112.

Senator Freeman, B.I.R., HB 112, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 112.** To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 113.

Senator Freeman, B.I.R., HB 113, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 113.** To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 926.

Senator Freeman, B.I.R., HB 926, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers,

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Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 926.** To make an appropriation from the State General Fund in the State Treasury to the Autism Society of Alabama, in the amount of \$50,000 for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

The Senate proceeded to further consideration of the Bill, HB 1072.

Senator Freeman, B.I.R., HB 1072, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 1072.** To make an appropriation of \$400,000 from the State General Fund in the State Treasury to the City of Rainsville for damages caused by tornadoes for the fiscal year ending September 30, 1997.

was taken up.

The Standing Committee on Economic Expansion and Trade reported the following substitute for the Bill, HB 1072, to-wit:

**SUBSTITUTE FOR HB 1072**

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$400,000 from the State General Fund in the State Treasury to the City of Rainsville in DeKalb County for damages caused by tornadoes for the fiscal year ending September 30, 1997, an appropriation of \$200,000 from the State General Fund in the State Treasury to the City of Athens in Limestone County for damages caused by tornadoes for the fiscal year ending September 30, 1997, and an appropriation of \$150,000 from the State General Fund to the Madison County Commission for damages caused by tornadoes for the fiscal year ending September 30, 1997.

On motion of Senator Freeman, said substitute was laid on the table.

Senator Freeman then offered the following substitute for the Bill, HB 1072, to-wit:

**SUBSTITUTE FOR HB 1072**

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of \$400,000 from the State General Fund in the State Treasury to the City of Rainsville in DeKalb County for damages caused by tornadoes for the fiscal year ending September 30, 1997, an appropriation of \$200,000 from the State General Fund in the State Treasury to the City of Athens in Limestone County for damages caused by

tornadoes for the fiscal year ending September 30, 1997, an appropriation of \$150,000 from the State General Fund to the Madison County Commission for damages caused by tornadoes, and an appropriation of \$150,000 to the City of Bayou La Batre for Red Tide Relief for the fiscal year ending September 30, 1997.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1.(a) The sum of \$400,000 is appropriated from the State General Fund in the State Treasury to the City of Rainsville in DeKalb County for damages caused by tornadoes for the fiscal year ending September 30, 1997.

(b) The sum of \$200,000 is appropriated from the State General Fund in the State Treasury to the City of Athens in Limestone County for damages caused by tornadoes for the fiscal year ending September 30, 1997.

(c) The sum of \$150,000 is appropriated from the State General Fund in the State Treasury to the Madison County Commission for damages caused by tornadoes for the fiscal year ending September 30, 1997.

(d) The sum of \$150,000 is appropriated from the State General Fund in the State Treasury to the City of Bayou La Batre for Red Tide Relief for fiscal year ending September 30, 1997.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

And said Bill, HB 1072, as thus amended, was read a third time at length and passed.

Yeas 34 Nays 0



Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 9.

Senator Freeman, B.I.R., HB 9, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 9.** Relating to child mortality; concerning efforts to identify deaths which may be from child abuse or neglect or other causes; relating to obtaining and maintaining statistics on child mortality within the state; providing services to surviving family members; developing and implementing measures to aid in reducing the risk and incidence of future child injury and death; establishing the State Child Death Review Team and local teams; establishing policies and procedures as are necessary for the operation of the State Child Death Review Team and the local teams; and making an appropriation from the State General Fund to the Alabama Department of Public Health in the amount of \$250,000 for the fiscal year ending September 30, 1997 and \$250,000 for the fiscal year ending September 30, 1998 to be used for the implementation of the provisions of this bill.

was taken up.

On motion of Senator Freeman, the Rules were suspended and further consideration of the Bill, HB 9, was postponed subject to the call of the Chair.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Holmes, Hooper, Knight (J), McClammy, and Wren (With Notice and Proof):

**HB 1047.** Relating to Montgomery County, prohibiting an alcoholic beverage wholesale licensee from refusing to sell to a retail licensee, or provide services to a retail licensee if such services are provided to other retail licensees in the county; and providing certain civil remedies.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1047, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Newton (D) (With Notice and Proof):

**HB 1071.** Relating to Jefferson County; to provide further for the maintenance, operation, and financing of the county law library for the Birmingham Division of the 10th Judicial Circuit; to impose additional court filing fees to the fees presently in effect in the Birmingham Division of the 10th Judicial Circuit of Alabama; to provide for the payment of those funds into the existing Birmingham Division Law Library Fund; and to provide that the presiding circuit judge shall administer the Birmingham Division Law Library Fund and public law library.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 1071, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

*GREG PAPPAS,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 1047 - to the Committee on Local Legislation No. 1

HB 1071 - to the Committee on Local Legislation No. 2

**REPORTS OF COMMITTEES**

Senator Freeman, Chairperson of the Standing Committee on Economic Expansion and Trade, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Fuller:

**HB 107.** To provide for a FY 1996-97 supplemental appropriation in the amount of \$100,000 from the Board for Registration of Architects Fund to the Alabama Board for Registration of Architects.

By Rep. Lindsey:

**HB 155.** To amend Section 22-27-3, Code of Alabama 1975; relating to the authority of local governing bodies to establish mandatory programs of solid waste collection and provide for exceptions to certain persons and entities; to provide further for exceptions for persons or entities served by a mandatory solid waste collection program established by a county.

By Reps. Guin and Black (M):

**HB 269.** To amend Sections 12-15-1.1, 12-15-32, and 12-15-71 of the Code of Alabama 1975, to further provide for the jurisdiction of the juvenile courts under certain conditions; to further provide for a child to pay restitution for offenses under the jurisdiction of the juvenile court; and to provide that restitution against the parent, guardian, or child shall be governed by the same principles applicable to other offenders.

By Rep. Morrow:

**HB 411.** To amend Section 36-14-3 of the Code of Alabama

1975, to provide further for fees for services performed by the Secretary of State.

By Rep. Turnham:

**HB 420.** To make a conditional appropriation from the General Fund in the State Treasury to the Department of Agriculture and Industries, in the amount of \$5,000,000 for the fiscal year ending September 30, 1997.

By Reps. Boyd, Kennedy, Hall (L), and Graham:

**HB 785.** To make a conditional appropriation from the State General Fund in the amount of \$600,000 to the Rape Crisis Centers for the fiscal year ending September 30, 1998, and to require operations plans and audited financial statements prior to release of any funds.

By Rep. Page:

**HB 1111.** To amend Section 27-7-5, Code of Alabama 1975, relating to the qualifications of an applicant for a license to sell property or casualty insurance, to provide further for an applicant who has a prior felony conviction when the applicant has been fully pardoned.

Senator Myers, Chairperson of the Standing Committee on Agriculture and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Dolbare:

**HB 90.** To provide for distinctive motor vehicle license plates to honor Alabama's Indian heritage and poultry and egg producers; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Vance (With Notice and Proof):

**HB 923.** Relating to Russell County; to amend Section 1 of Act

95-573, H. 507 of the 1995 Regular Session, creating the Russell County Planning Commission; to provide further for the manner of appointment of members of the planning commission.

By Reps. McMillan, White, Warren, and Penry (With Notice and Proof):

**HB 1035.** Relating to the Twenty-Eighth Judicial Circuit of Alabama and the establishment of a Pre-Trial Intervention Program by the District Attorney.

By Reps. McMillan, White, Warren, and Penry (With Notice and Proof):

**HB 1090.** Relating to Baldwin County; providing for additional court costs to be imposed on each person incarcerated in the Baldwin County jail; and providing for distribution of the revenues to be derived from the additional court costs.

By Rep. Hall (A) (With Notice and Proof):

**HB 1099.** Relating to railroad crossings located on private property in Jackson County, to require a railroad company to indefinitely maintain any railroad crossing on private property if the crossing has existed for 20 years or more, unless the landowner and railroad company agree in writing otherwise; and to provide civil remedies for land owners if a railroad company fails to maintain such crossings.

By Reps. Penry and McMillan (With Notice and Proof):

**HB 1113.** Relating to Baldwin County, permitting the county commission or the affected municipality to regulate and permit the sale and consumption of alcoholic beverages on Sunday.

Senator Windom, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Turner (With Notice and Proof):

**HB 627.** Relating to Mobile County; to regulate the keeping of certain wildlife within five miles of any school; and to provide for civil enforcement of this act.

By Rep. Kennedy (With Notice and Proof):

**HB 637.** Relating to Mobile County; to amend Section 1 of Act

91-368, 1991 Regular Session, relating to annual supplemental salary of the revenue commissioner, to alter the monetary amount.

By Rep. Turner (With Notice and Proof):

**HB 900.** Relating to Mobile County; to amend Section V of Act 470, H. 952, 1939 Regular Session (Local Acts 1939, p. 298), as further amended by Act 167, H. 231, 1955 Regular Session (Local Acts 1955, p. 431); Act 684, H. 594, 1976 Regular Session (Acts 1976, p. 939); and Act 86-479, H. 629, 1986 Regular Session (Acts 1986, p. 910), relating to the establishment of a countywide civil service system; to add the Treasurer of Mobile County to the Supervisory Committee of the Mobile County Personnel Board.

By Rep. Crigler (With Notice and Proof):

**HB 919.** To provide for a retirement system for police and firefighters of the City of Mobile, Alabama; providing for membership and service requirements, eligibility, amount, and payment of benefits; providing for employer and employee contributions to the system; providing for administration and management of the system under a board of trustees; providing for certain limitations on benefits to certain employees; providing for appeals from decisions made by the board; and repealing Act 243, H. 278, 1964 First Special Session (Acts 1964, p. 326), Act 400, H. 564, 1965 Regular Session (Acts 1965, p. 576), Act 359, H. 366, 1966 Special Session (Acts 1966, p. 499), Act 180, H. 167, 1967 Regular Session (Acts 1967, p. 231), Act 1484, S. 1030, 1971 Regular Session (Acts 1971, p. 2540), Act 887, S. 740, 1978 Regular Session (Acts 1978, p. 1315), Act 80-339, H. 875, 1980 Regular Session (Acts 1980, p. 458), Act 85-231, H. 211, 1985 Regular Session (Acts 1985, p. 130), Act 85-312, H. 176, 1985 Regular Session (Acts 1985, p. 211), Act 85-938, H. 129, 1985 Special Session (Acts 1985, p. 241), Act 86-475, H. 478, 1986 Regular Session (Acts 1986, p. 900), Act 90-198, S. 566, 1990 Regular Session (Acts 1990, p. 229), Act 91-701, H. 980, 1991 Regular Session (Acts 1991, p. 1365), and Act 95-571, H. 598, 1995 Regular Session (Acts 1995, p. 1194).

By Rep. Clark (W) (With Notice and Proof):

**HB 995.** Relating to Mobile County; to provide additional compensation for the members of the Mobile County Board of School Commissioners.

By Rep. Turner (With Notice and Proof):

**HB 1043.** Relating to Mobile County; to amend Section 1 of Act

91-370, 1991 Regular Session as amended, relating to annual supplemental salary of the license commissioner, to alter the monetary amount.

By Rep. Turner (With Notice and Proof):

**HB 1094.** Relating to Mobile County; to provide that on and after the effective date of this act, the Treasurer of Mobile County shall be entitled to an automobile expense allowance as reimbursement for the official use of a personal vehicle and the fuel, oil, and repairs of the vehicle in conducting official duties.

By Rep. Turner (With Notice and Proof):

**HB 1095.** Relating to Mobile County; to exempt any person over the age of 65 years from the boating launch fee for Big Creek Lake.

By Rep. Turner (With Notice and Proof):

**HB 1096.** Relating to Mobile County; to amend Section V of Act 470, H. 952, 1939 Regular Session (Local Acts 1939, p. 298), as further amended by Act 167, H. 231, 1955 Regular Session (Local Acts 1955, p. 431); Act 684, H. 594, 1976 Regular Session (Acts 1976, p. 939); and Act 86-479, H. 629, 1986 Regular Session (Acts 1986, p. 910), relating to the establishment of a countywide civil service system; to add the Treasurer of Mobile County to the Supervisory Committee of the Mobile County Personnel Board.

Senator Bedford, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Sims:

**HB 469.** Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Calhoun County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Parker (T) (With Notice and Proof):

**HB 964.** To provide for the per diem compensation of members

of the Tuscaloosa County Board of Registrars and to specifically repeal Act 557, H. 1300, 1977 Regular Session (Acts 1977, p. 747).

By Rep. Parker (T) (With Notice and Proof):

**HB 1102.** Relating to Tuscaloosa County; providing for an advisory referendum on the status of the unincorporated community of Holt.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Rogers (M) (With Amendment):

**HB 336.** To exempt the Anniston Fellowship House, Inc., and the Wings of Life, Inc., and the Jacksonville Christian Outreach Center, Inc., from the payment of all state, county, and municipal sales and use taxes.

By Rep. Moore (With Amendment):

**HB 736.** To exempt Helping Hands of Enterprise, Alabama, Incorporated, from the payment of all state, county, and municipal sales and use taxes.

Senator Bailey, Chairperson of the Standing Committee on Fiscal Responsibility and Accountability, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Burke:

**HB 917.** To amend Section 40-23-1, as amended by Act 96-887, and Section 40-23-60, Code of Alabama 1975, relating to the sales and use taxes, to clarify the definition of certain property that is excluded from the sales tax and the use tax as sales at wholesale, to make the definitions of such property the same in the use tax as in the sales tax, and to provide for a retroactive effect.

## RESOLUTIONS

Senators Barron, Lindsey, Biddle, Myers, Smith, Amari, Adams,



Hale, Waggoner, Denton, Smitherman, Little, and Bedford offered the following Senate Resolution, to-wit:

**SR 164. NAMING HOUSE JOINT RESOLUTION 412 THE LARRY DIXON JUDICIAL COMPENSATION ACT.**

Senator Barron moved that the Resolution be adopted, which motion lost.

Senators Butler, Barron, Denton, Dial, Myers, Smith, Waggoner, McClain, Armistead, Little, Mitchell, Lipscomb, Poole, Clay, Dixon, Hill, and Adams offered the following Senate Joint Resolution, to-wit:

**SJR 165. REPEALING, RESCINDING, AND REVOKING HJR 412 OF THE 1997 REGULAR SESSION RELATING TO THE JUDICIAL COMPENSATION COMMISSION REPORT, REQUIRING A RECORDED VOTE CONCERNING ACTION ON FUTURE REPORTS, AND REQUESTING THE GOVERNOR TO VETO HJR 412.**

Which was read and referred to the Standing Committee on Rules.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**SB 671.** To provide that any person with two or more convictions of driving under the influence of any substance that impairs the ability of the person to safely operate a motor vehicle and who is subsequently convicted of driving under the influence of any substance that impairs their ability to safely operate a motor vehicle would pay an additional fee for reinstatement of their driver's license; and to provide for a distinctive "driving under the influence" driver's license.

On motion of Senator Windom, further consideration of the Bill, SB 671, was postponed temporarily.

**RECESS**

At 11:29 A.M., on motion of Senator Windom, the Senate took a recess until 11:44 A.M.

The recess period having expired, at 11:44 A.M., the Senate was called to order by Lieutenant Governor Siegelman. A quorum of the Senate was present.

**BUDGET ISOLATION RESOLUTION**

Senator Windom, B.I.R., HB 54, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 54.** Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

was taken up.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

**SB 157.** To amend Sections 38-9A-1, 38-9A-2, 38-9A-3, 38-

9A-4, 38-9A-5, and 38-9A-6, Code of Alabama 1975, relating to the program for in-home services and equipment for persons with developmental disabilities to continue and further provide for the operation and funding of the program; to provide for tax exemption from all municipal and county sales and use taxes; and to amend Section 9 of Act 93-334, S. 421, 1993 Regular Session, relating to termination so as to make the services and program permanent.

Also:

**SB 248.** To amend Sections 11-24-1, 11-24-2, and 11-24-3, Code of Alabama 1975, which relate to the regulation of subdivisions by counties; to require county commissions to approve or disapprove plats for proposed subdivisions; to provide that the county commissions may establish boards of developers; and to provide for civil enforcement of the regulations, including civil penalties for violations.

Also:

**SB 300.** To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

By Reps. McMillan, Johnson (R), and Clouse:

**HB 277.** To provide for the establishment of the Alabama Higher

Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to public institutions of higher education to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

By Rep. Box:

**HB 590.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology until October 1, 2000, with certain modifications; to amend Sections 34-26-1, 34-26-2, 34-26-21, as amended by Act 96-394, 1996 Regular Session, 34-26-22, 34-26-41, as amended by Act 96-394, 1996 Regular Session, 34-26-43, 34-26-43.1, and 34-26-46, and Sections 34-26-40, 34-26-42, and 36-26-44, Code of Alabama 1975, so as to further define and regulate the practice of psychology to include practitioners known as psychological technicians; to provide further for the membership of the Board of Examiners in Psychology; to provide further for technician registration fees; and to clarify that certain psychologists working for governmental agencies and departments are exempt from licensing requirements.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate,

after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

By Reps. Sanderford and Box:

**HB 588.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Section 34-24-192, Code of Alabama 1975, so as to provide further for the membership of the board.

GREG PAPPAS,  
Clerk.

### SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 22.** To amend Sections 26-19-1, 26-19-2, 26-19-3, 26-19-4, 26-19-5, 26-19-7, 26-19-8, 26-19-9, and 26-19-10 of the Code of Alabama 1975, relating to the Missing Children Bureau; to change the name of the Missing Children Bureau to the Alabama Center for Missing and Exploited Children; to authorize ACMEC to maintain data for law enforcement purposes only; to authorize ACMEC to coordinate and provide assis-

tance to state and local public and private nonprofit agencies investigating cases of missing person, exploited children, and unidentified bodies; to authorize ACMEC to assist in the preparation and dissemination of fliers missing persons, exploited children, and their abductors; to authorized ACMEC to operate a resource center of information regarding prevention of abduction and sexual exploitation of children; to eliminate any waiting period for law enforcement to file reports to ACMEC; to further define a missing Alabama school child; to require the State Board of Education to provide to ACMEC information on students enrolling in Alabama schools for the first time; and to provide that the center would act as a liaison for persons and cases involving exploited children in the same manner as missing children.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 474. COMMENDING JAMES L. SMOTHERMAN FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.**

Also:

**HJR 475. COMMENDING FORT DALE-SOUTH BUTLER ACADEMY ON THE 1997 GIRLS' TENNIS TEAM CHAMPIONSHIP.**

Also:

**HJR 477. MOURNING THE DEATH OF WALTER EUGENE GARRETT OF URIAH, ALABAMA.**

Also:

**HJR 485.** HONORING DR. WILLIAM S. STEWART UPON HIS RETIREMENT FROM THE UNIVERSITY OF NORTH ALABAMA.

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 1007.** Relating to Elmore County; authorizing the county commission to levy an additional issuance fee on vehicle and watercraft licenses; providing for the collection, distribution, and use of the proceeds of the fees; creating a separate fund to receive the fees; and prescribing additional duties on the Elmore County Commission.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 473.** COMMENDING THE ORGANIZERS AND ENTIRE

COMMUNITY WHO PARTICIPATED IN THE BUILDING OF THE  
MISSION PLAYGROUND IN THE CITY OF PRATTVILLE.

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

**SB 322.** To amend Section 5-19-4 of the Code of Alabama 1975, to provide further for late charges on certain scheduled payments which are in default.

Also:

**SB 287.** To amend Section 32-6-233.1 of the Code of Alabama 1975, relating to unauthorized use of handicapped parking places; to provide further for the penalties; to further specify the prohibition on unauthorized persons parking in parking zones designated for handicapped persons at certain private businesses; to provide for the posting of the amount of the fine for a violation on signs designating handicapped parking places; and to provide for the enforcement of this act.

Also:

**SB 344.** To allow two or more counties to establish a regional jail authority to maintain and operate a regional jail facility, which would serve as the county jail for each county participating in the regional jail authority; and to provide for the composition, terms, and powers of the board of directors of the regional jail authority, including the issuance of bonds by the authority.

GREG PAPPAS,  
Clerk.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 292.** To establish a toll-free telephone number in the Office of the Attorney General for reports of violations of the Americans with Disabilities Act.

GREG PAPPAS,  
Clerk.

**FURTHER CONSIDERATION OF HB 54**

The Senate proceeded to further consideration of the Bill, HB 54.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

**HB 97.** To make an appropriation of \$100,000 from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 112.** To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 113.** To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 133.** To make an appropriation of \$69,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 7.** To make an appropriation from the State General Fund in the amount of \$2,550,000 to the full member Children's Advocacy Centers for the fiscal year ending September 30, 1998, and to require operations plans and audited financial statements prior to release of any funds.

Also:

**HB 99.** To provide for a salary increase for certain state employees for the fiscal year beginning October 1, 1997 and would create a Joint Legislative Committee to Study Employee Compensation.

Also:

**HB 137.** To make an appropriation of \$60,000 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 529.** To provide site preparation grants to certain qualified corporations and to provide for retroactive effect.

Also:

**HB 746.** To amend Section 36-29-7 of the Code of Alabama 1975, to provide for a reserve in the health insurance fund administered by the State Employees' Insurance Board.

Also:

**HB 114.** To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 115.** To make an appropriation of \$93,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 116.** To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 118.** To make an appropriation of \$759,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 120.** To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 121.** To make an appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 135.** To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 136.** To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year

ending September 30, 1998, and to require an operations plan prior to release of any funds.

Also:

**HB 138.** To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 215.** To make an appropriation of \$100,000 from the State General Fund to the Montgomery Minority Business Development Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

Also:

**HB 926.** To make an appropriation from the State General Fund in the State Treasury to the Autism Society of Alabama, in the amount of \$50,000 for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 134.** To make an appropriation of \$100,000 from the State

General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **FURTHER CONSIDERATION OF HB 54**

The Senate proceeded to further consideration of the Bill, HB 54.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, and finds same correctly enrolled, to-wit:

**SB 292.** To establish a toll-free telephone number in the Office of the Attorney General for reports of violations of the Americans with Disabilities Act.

Also:

**SB 287.** To amend Section 32-6-233.1 of the Code of Alabama 1975, relating to unauthorized use of handicapped parking places; to provide further for the penalties; to further specify the prohibition on unauthorized persons parking in parking zones designated for handicapped persons at certain private businesses; to provide for the posting of the amount of the fine for a violation on signs designating handicapped parking places; and to provide for the enforcement of this act.

Also:

**SB 322.** To amend Section 5-19-4 of the Code of Alabama 1975,

to provide further for late charges on certain scheduled payments which are in default.

Also:

**SB 344.** To allow two or more counties to establish a regional jail authority to maintain and operate a regional jail facility, which would serve as the county jail for each county participating in the regional jail authority; and to provide for the composition, terms, and powers of the board of directors of the regional jail authority, including the issuance of bonds by the authority.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### **FURTHER CONSIDERATION OF HB 54**

The Senate proceeded to further consideration of the Bill, HB 54.

### **PETITION**

At 1:30 P.M., the Standing Committee on Rules filed the following Petition, to-wit:

### **PETITION TO VOTE TIME CERTAIN**

We, the undersigned members of the Senate Rules Committee, petition the Senate, pursuant to Senate Rule 20, that debate on the pending measure, HB 54, shall cease at 2:05 P.M., on May 8, 1997.

DEWAYNE FREEMAN  
PAT LINDSEY  
BOBBY DENTON  
HANK SANDERS  
ROGER BEDFORD  
JACK BIDDLE

**FURTHER CONSIDERATION OF HB 54**

The Senate proceeded to further consideration of the Bill, HB 54.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 316.** To ban abortions except under certain circumstances.

GREG PAPPAS,  
Clerk.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 316.** To ban abortions except under certain circumstances.

PAT LINDSEY,  
Chairperson.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**FURTHER CONSIDERATION OF HB 54**

The Senate proceeded to further consideration of the Bill, HB 54.

**MESSAGE FROM THE HOUSE**

Mr. President:

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The House has concurred in and adopted the Senate amendment to the following House Bill:

**HB 1072.** To make an appropriation of \$400,000 from the State General Fund in the State Treasury to the City of Rainsville in DeKalb County for damages caused by tornadoes for the fiscal year ending September 30, 1997, an appropriation of \$200,000 from the State General Fund in the State Treasury to the City of Athens in Limestone County for damages caused by tornadoes for the fiscal year ending September 30, 1997, and appropriation of \$150,000 from the State General Fund to the Madison County Commission for damages caused by tornadoes, and an appropriation of \$150,000 to the City of Bayou La Batre for Red Tide Relief for the fiscal year ending September 30, 1997.

GREG PAPPAS,  
Clerk.

**FURTHER CONSIDERATION OF PETITION**

The Senate proceeded to further consideration of the Cloture Petition relative to the Bill, HB 54, to cease debate at 2:05 P.M.

And said petition was lost for failure to receive the required three-fifths vote of those elected.

Yeas 16 Nays 8

Yeas:

Senators:

Amari, Bedford, Biddle, Butler, Denton, Escott-Russell, Freeman, Ghee, Hale, Langford, Lindsey, McClain, Sanders, Smith, Smitherman, and Steele

-16

Nays:

Senators:

Adams, Dial, Dixon, Lipscomb, Myers, Poole, Roberts, and Waggoner- 8

**FURTHER CONSIDERATION OF HB 54**

The Senate proceeded to further consideration of the Bill, HB 54.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint



Resolutions and returns same herewith to the Senate:

**SJR 154.** COMMENDING THE ALABAMA SEAFOOD ASSOCIATION FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.

Also:

**SJR 155.** COMMENDING MOBIL OIL FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.

Also:

**SJR 156.** COMMENDING THE BAYOU LA BATRE BAY AREA FOOD BANK FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.

Also:

**SJR 157.** COMMENDING THE BAYOU LA BATRE AREA CHAMBER OF COMMERCE FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.

Also:

**SJR 158.** COMMENDING MAYOR WARREN SEAMAN FOR HIS OUTSTANDING EFFORTS WITH RED TIDE.

Also:

**SJR 159.** COMMENDING ALLEN HORN FOR HIS OUTSTANDING EFFORTS WITH RED TIDE.

Also:

**SJR 160.** COMMENDING DR. JANE BARTON MOORE ON HER PROFESSIONAL ACHIEVEMENTS.

Also:

**SJR 161.** MOURNING THE DEATH OF WALTER GEORGE JOHNSTON, JR., OF AUBURN, ALABAMA.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**HB 1072.** To make an appropriation of \$400,000 from the State General Fund in the State Treasury to the City of Rainsville in DeKalb County for damages caused by tornadoes for the fiscal year ending September 30, 1997, an appropriation of \$200,000 from the State General Fund in the State Treasury to the City of Athens in Limestone County for damages caused by tornadoes for the fiscal year ending September 30, 1997, an appropriation of \$150,000 from the State General Fund to the Madison County Commission for damages caused by tornadoes, and an appropriation of \$150,000 to the City of Bayou La Batre for Red Tide Relief for the fiscal year ending September 30, 1997.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 154.** COMMENDING THE ALABAMA SEAFOOD ASSOCIATION FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.

Also:

**SJR 155.** COMMENDING MOBIL OIL FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.

Also:

**SJR 156.** COMMENDING THE BAYOU LA BATRE BAY AREA FOOD BANK FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.

Also:

**SJR 157.** COMMENDING THE BAYOU LA BATRE AREA CHAMBER OF COMMERCE FOR ITS OUTSTANDING CIVIC CONTRIBUTIONS DURING RED TIDE.

Also:

**SJR 158.** COMMENDING MAYOR WARREN SEAMAN FOR HIS OUTSTANDING EFFORTS WITH RED TIDE.

Also:

**SJR 159.** COMMENDING ALLEN HORN FOR HIS OUTSTANDING EFFORTS WITH RED TIDE.

Also:

**SJR 160.** COMMENDING DR. JANE BARTON MOORE ON HER PROFESSIONAL ACHIEVEMENTS.

Also:

**SJR 161.** MOURNING THE DEATH OF WALTER GEORGE JOHNSTON, JR., OF AUBURN, ALABAMA.

PAT LINDSEY,  
Chairperson.

## **SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the

foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**SB 348.** To amend Section 16-8-26, Code of Alabama 1975, relating to personal leave for teachers, to incorporate other existing provisions for education support personnel and to repeal Section 16-8-26.1, Code of Alabama 1975, relating to personal leave of support personnel.

GREG PAPPAS,  
Clerk.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 348.** To amend Section 16-8-26, Code of Alabama 1975, relating to personal leave for teachers, to incorporate other existing provisions for education support personnel and to repeal Section 16-8-26.1, Code of Alabama 1975, relating to personal leave of support personnel.

PAT LINDSEY,  
Chairperson.

### **SIGNING OF BILLS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### **FURTHER CONSIDERATION OF HB 54**

The Senate proceeded to further consideration of the Bill, HB 54.

Senator Butler offered the following amendment to the Bill, HB 54, to-wit:

**AMENDMENT TO HB 54**

Amend HB 54 on page 8, line 1 by inserting a new paragraph 13 as follows:

“(13) Beginning in 1999, one set of the code will be supplied every four years to the commission of each county for the use of said county commission and for the use of the tax assessor, tax collector, and other county officers. The supplements, replacement volumes, and indexes to the code will be provided to the commission during each of the other three years.”

Which was adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

And said Bill, HB 54, as thus amended, was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Freeman requested and received permission to suspend the

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Rules in order to bring up the Bill, HB 76.

Senator Freeman, B.I.R., HB 76, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 76.** To amend Section 13-5A-191 of the Code of Alabama 1975, as last amended by Act No. 96-705, S. 182, 1996 Regular Session, relating to driving under the influence of alcohol and drugs and fines on convictions therefor, to further provide for the \$100 fine for distribution to the Impaired Drivers Trust Fund, after administrative costs; to further provide for the collection and distribution process of certain funds to the Impaired Drivers Trust Fund presently specified in Section 32-5A-191.1 and to repeal Section 32-5A-191.1, Code of Alabama 1975, relating to the fines designated for the Impaired Drivers Trust Fund; and to provide for a delayed effective date.

was taken up.

Senator Freeman offered the following amendment to the Bill, HB 76, to-wit:

**AMENDMENT TO HB 76**

Amend HB 76 on page 1, line 17 after the word "Section" by deleting "13-5A-191" and inserting "32-5A-191" in lieu thereof.

Which was adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay,

Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

And said Bill, HB 76, as thus amended, was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

### BUDGET ISOLATION RESOLUTION

Senator Freeman then requested and received permission to suspend the Rules in order to bring up the Bill, HB 186.

Senator Freeman, B.I.R., HB 186, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 186.** To make an appropriation of \$500,000 from the State General Fund to the Metropolitan Arts Council for America's Smithsonian

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150th Anniversary Exhibition in Birmingham for each of the fiscal years ending September 30, 1997 and September 30, 1998, and to require the filing of additional information and an operations plan prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation Education reported the following substitute for the Bill, HB 186, to-wit:

**SUBSTITUTE FOR HB 186**

**A BILL  
TO BE ENTITLED  
AN ACT**

To make a conditional appropriation of \$500,000 from the Education Trust Fund to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham for each of the fiscal years ending September 30, 1997 and September 30, 1998, and to require the filing of additional information and an operations plan prior to release of any funds.

On motion of Senator Freeman, said substitute was laid on the table.

Senator Freeman then offered the following substitute for the Bill, HB 186, to-wit:

**SUBSTITUTE FOR HB 186**

**A BILL  
TO BE ENTITLED  
AN ACT**

To make an appropriation of \$500,000 from the State General Fund to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham for the fiscal year ending September 30, 1997, and to require the filing of additional information and an operations plan prior to release of any funds.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. For the fiscal year ending September 30, 1997, there is hereby appropriated to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham from the State



General Fund the sum of \$500,000. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95, and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, and prior to April 1, 1997, the executive director of the Metropolitan Arts Council shall submit for approval to the State Finance Director, the Chairman of the House Ways and Means Committee and the Chairman of the Senate Economic Expansion and Trade Committee the following: (a) a plan that provides an opportunity for Alabama's school children from all 67 counties to attend the exhibit, and (b) proof of a \$1,000,000 financial commitment from the City of Birmingham, Jefferson County, other local governmental entities, or other sources. In addition, an operations plan for fiscal year 1996-97 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of this information.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

And said Bill, HB 186, as thus amended, was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers,

Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Win-  
dom -34

Nays: - 0

## RESOLUTION

Senator Freeman requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 166. CREATING THE UNAUTHORIZED SCRAP TIRE PILE JOINT INTERIM LEGISLATIVE COMMITTEE.**

WHEREAS, the Legislature finds an ever-increasing number of expanding unauthorized stockpiles of scrap tires in Alabama containing in excess of 100,000 tires each, some of which are located near large human populations; and

WHEREAS, well-documented public health vector control data from the Centers for Disease Control and Prevention confirm that unauthorized piles of scrap tires are a preferred breeding site for specific species of mosquitoes which are identified as vectors of epidemic-level human diseases; and

WHEREAS, current Alabama statutes are inadequate in their provision for remedies enabling the state, through the Alabama Department of Public Health or other agencies, to act to prevent the development of these unauthorized stockpiles of scrap tires which can become nuisances menacing public health; and

WHEREAS, under current law, generators of scrap tires have no statutory duty to dispose of such tires properly nor any liability therefor; and

WHEREAS, each of our neighboring states has in place a dedicated program to ensure the proper management of scrap tires, effectively causing Alabama to become a repository for surpluses of scrap tires from other jurisdictions; and

WHEREAS, there are existing end-users who could consume the majority of scrap tires generated in Alabama as a raw material in manufacturing or for energy production if the appropriate markets were developed; and

WHEREAS, it is in the public health interest and the economic

interest of the state, as well, to institute a statutory scrap tire control program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Unauthorized Scrap Tire Pile Joint Interim Legislative Committee. The committee shall investigate and determine the optimal course of action for the state to take in the control and abatement of unauthorized scrap tire piles. The committee shall study the current regulatory authority for handling used tires of the Department of Public Health, Department of Transportation, and the Alabama Department of Environmental Management and recommend additional necessary legislative, administrative, or other measures to address identified problems.

The committee shall be composed of three members of each house to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee.

The Department of Public Health, Department of Transportation, and the Alabama Department of Environmental Management are directed to serve as the official regulatory agencies to provide information on the current status of legislation and administrative rules governing tire processing.

Upon the request of the chair, the Clerk of the House of Representatives and the Secretary of the Senate shall provide necessary clerical and administrative assistance in performing the work of the committee.

The committee shall seek out testimony from all interested parties to these issues including, but not limited to, tire manufacturers, tire dealers and retailers, entities using tires as alternative fuels or in other applications, the environmental community, and the business community.

The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1998 Regular Session, whereupon the committee shall stand dissolved and discharged of any further duties and responsibilities.

Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional

legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance on other state business. The maximum amount to be expended under the provisions of this resolution shall be \$7,000.

RESOLVED FURTHER, That a copy of this resolution be sent immediately to the State Health Officer, Alabama Department of Public Health, Department of Transportation, and the Director of Alabama Department of Environmental Management.

On motion of Senator Freeman, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

**HB 918.** Relating to Madison County; to exempt the Madison Athletic Association, the Madison Baseball Association, the Youth Development Association, Inc., the Madison Dolphins Swim Team, the Westco Girls Softball Team, and the American Youth Soccer Organization, Region 498, from the payment of all county and municipal sales and use taxes under certain conditions.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Reps. Papucci, Hall (L), and Sanderford.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Butler, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 918, the title of which is set out in the foregoing Message from the House.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Es-

cott-Russell, Figures, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, McClain, Mitchem, Myers, Roberts, Smith, Steele, Waggoner, and Windom  
-25

Nays: - 0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Butler, Freeman, and Hale.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 470.** Relating to DeKalb County; to provide for the election of the DeKalb County Board of Education from five single-member districts; to define the boundaries of the districts; to include within those districts all of DeKalb County except that area located within the corporate limits of the City of Fort Payne; to authorize the board to change the boundaries of the election districts; to establish procedures for making changes; and to repeal Act 426, H. 932, 1955 Regular Session (1955 Acts, p. 971).

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Barron, the Senate concurred in and adopted the following House amendment to the Bill, SB 470, the title of which is set out in the foregoing Message from the House, to-wit:

### AMENDMENT TO SB 470

On page 2, line 1, delete the language "Members shall be elected in 1998" and insert in lieu thereof:

"Beginning with the next term of office, members shall be elected"

On page 9, lines 21 to 23, inclusive, delete the following language:

"and the existing county board of education is abolished upon the members of the board of education taking office as provided by this act"

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -25

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill, HB 32.

Senator Bailey, B.I.R., HB 32, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, McClain, Mitchell, Poole, Sanders, Smith, Steele, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**HB 32.** Relating to Houston County; to impose a special additional filing fee of three dollars on certain instruments, documents, and papers filed for record in the office of the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Biddle, Butler, Clay, Denton, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Myers, Poole, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Hill requested and received permission to suspend the Rules in order to bring up the Bill, HB 947.

Senator Hill, B.I.R., HB 947, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Biddle, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, and Steele  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 947.** Relating to Talladega County, to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide for the collection and disposition of a special recording fee; and to provide that the system shall constitute official and permanent records in Talladega County.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, HB 947, to-wit:

**AMENDMENT TO HB 947**

On p. 7, lines 12-19, inclusive, delete Section 9 in its entirety and insert the following Section 9:

“Section 9. Effective immediately upon the date this act becomes applicable to Talladega County, Alabama, a special transaction fee of five dollars (\$5) shall be paid to and collected by the judge of probate with respect to every transaction not covered by Section 7 or 8 occurring in, or under the jurisdiction of the judge of probate, which amount shall be in addition to all other costs and fees heretofore collected. The additional fee shall be paid into the special fund of the judge of probate as created in

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Section 7 of this act. Any, all, or none of the special transaction fee may be charged at the discretion of the judge of probate.”

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Biddle, Butler, Clay, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner -25

Nays: - 0

And said Bill, HB 947, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Biddle, Butler, Clay, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lindsey, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, and Steele -25

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Smith requested and received permission to suspend the Rules in order to bring up the Bill, HB 942.

Senator Smith, B.I.R., HB 942, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Barron, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Hale, Hill, Lindsey, Little, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays: - 0



**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**HB 942.** Relating to Etowah County; to amend Sections 1, 2, 3, and 4 of Act 96-506, H. 992, 1996 Regular Session (Acts 1996, p. 643), to further provide for the court costs to be imposed on persons incarcerated in the Etowah County jail.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, HB 942, to-wit:

**AMENDMENT TO HB 942**

On page 2, lines 3 to 6, inclusive, delete the sentence: "The sentencing court shall be required to notify the respective court clerk within 10 days of the exact amount of the assessment to be collected." and insert in lieu thereof the following:

"The sheriff shall be required to notify the appropriate court clerk on a regular basis of the exact amount of the assessment to be collected for entry on the docket sheet."

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Denton, Dixon, Figures, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

And said Bill, HB 942, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Bedford, Biddle, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Hale, Langford, Lindsey, Lip-

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scomb, Little, Mitchell, Myers, Poole, Sanders, Smith, Steele, and Waggoner -25

Nays: - 0

### **BUDGET ISOLATION RESOLUTION**

Senator Ghee requested and received permission to suspend the Rules in order to bring up the Bill, HB 823.

Senator Ghee, B.I.R., HB 823, adopted.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays: - 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 823.** To enact the Uniform Conservation Easement Act, providing for the creation, enforcement, modification, duration, and termination of conservation easements on real property for conservation, recreational, and other related purposes.

was read a third time at length and passed.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -34

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Adams requested and received permission to suspend the Rules in order to bring up the Bill, HB 30.

Senator Adams, B.I.R., HB 30, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Dial, Dixon, Escott-Russell, Figures, Hale, Hill, Lindsey, Little, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 30.** Relating to Houston County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for an auction and for the disposition of proceeds.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Ghee, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Smith, Smitherman, and Windom-25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Adams then requested and received permission to suspend the Rules in order to bring up the Bill, HB 713.

Senator Adams, B.I.R., HB 713, adopted.

Yeas 25 Nays 0

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Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Poole, Roberts, Smitherman, Waggoner, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 713.** Relating to Dale County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; and defining the authority, powers, and duties of the county engineer and county commission.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Langford, Lipscomb, Little, Mitchell, Myers, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

### **BUDGET ISOLATION RESOLUTION**

Senator Sanders requested and received permission to suspend the Rules in order to bring up the Bill, HB 1045.

Senator Sanders, B.I.R., HB 1045, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Dial, Dixon, Figures, Freeman, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**HB 1045.** Relating to Lowndes County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and providing for a termination date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, and Steele -25

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Little requested and received permission to suspend the Rules in order to bring up the Bill, HB 564.

Senator Little, B.I.R, HB 564, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Bailey, Bedford, Biddle, Butler, Clay, Denton, Dial, Escott-Russell, Freeman, Ghee, Langford, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, and Windom -25

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**HB 564.** Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs in Lee County and to provide that public officials in the county may participate in the Employees' Retirement System of Alabama.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Armistead, Barron, Bedford, Biddle, Butler, Clay, Dial, Dixon, Escott-Russell, Ghee, Hale, Hill, Langford, Lindsey, Little, McClain, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, Steele, and Wagoner -25

Nays:

- 0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**SB 564.** To amend Sections 41-10-20 and 41-10-27 to 41-10-30, inclusive, Code of Alabama 1975, relating to the Industrial Development Authority's authorization to issue bonds and make grants, to provide new criteria for the making of grants; to permit proceeds of grants to be used for rehabilitation of structures; to authorize the Industrial Development Authority to set additional criteria and require certifications and agreements as conditions for receipt of grants; to clarify definitions; and to provide for a retroactive effect.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Roberts, the Senate concurred in and adopted the following House amendment to the Bill, SB 564, the title of which is set out in the foregoing Message from the House, to-wit:

### SUBSTITUTE FOR SB 564

#### A BILL TO BE ENTITLED AN ACT

To amend Act 91-635, 1991 Regular Session (Acts 1991, p. 1193), to provide new criteria for the making of grants to grantees by the State

Industrial Development Authority; to conform the definitions contained in Act 91-635 to the provisions of Article 7 of Chapter 18 of Title 40 of the Code of Alabama 1975; to permit proceeds of grants to be used for rehabilitation of structures; and to increase the maximum site preparation grant amount available under Act 91-635.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 1 and 3 of Act 91-635, 1991 Regular Session (Acts 1991, p. 1193), are hereby amended to read as follows:

~~“Section 1. Definition. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein shall have the following meanings:~~

“ “Authority” means the public corporation organized pursuant to the provisions of Sections 41-10-20 through 41-10-32, Code of Alabama 1975.

“ “Authorized Purpose” means any one or more of the purposes for which grants are herein authorized to be made as specified in clauses (1) through (4) of the first paragraph of Section 3.

“ “Board of Directors” means the board of directors of the Authority.

“ “Bond” means the bonds issued under the provisions of this act.

“ “Capital Costs” means all costs and expenses incurred by one or more investing companies in connection with the acquisition, construction, installation and equipping of a qualifying project during the period commencing with the date on which such acquisition, construction, installation and equipping commences and ending on the date on which the qualifying project is placed in service, including, without limitation all of the following:

“a. The costs of acquiring, constructing, installing, equipping and financing a qualifying project, including all obligations incurred for labor and to contractors, subcontractors, builders, and materialmen.

“b. The costs of acquiring land or rights in land and any cost incidental thereto, including recording fees.

“c. The costs of contract bonds and of insurance of all kinds that

may be required or necessary during the acquisition, construction or installation of a qualifying project.

“d. The costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, environmental mitigation and supervision of construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction and installation of a qualifying project.

“e. The costs associated with installation of fixtures and equipment; surveys, including archaeological and environmental surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries, and other surface obstructions; filling, grading, paving and provisions for drainage, storm water retention, installation of utilities, including water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; off-site construction of utility extensions to the boundaries of the property.

“f. All other costs of a nature comparable to those described, including, without limitation, all project costs which are required to be capitalized for federal income tax purposes pursuant to 26 U.S.C. § 263A.

“g. Costs otherwise defined as capital costs that are incurred by the investing company where the investing company is the lessee under a lease that: (1) has a term of not less than five years, and (2) is characterized as a capital lease for federal income tax purposes; provided, that if the project is a headquarters facility, the lease may be characterized as an operating lease for federal income tax purposes in which event capital costs shall include the net present value of the payments made by the investing company under the lease computed using the applicable federal rate for the month in which the qualifying project is placed in service and for the term most closely approximating the term of the lease. Capital costs shall not include property owned or leased by the investing company or a related party before the commencement of the acquisition, construction, installation or equipping of the qualifying project unless such property was physically located outside the state for a period of at least one year prior to the date on which the qualifying project was placed in service.

“h. Costs either paid or incurred by (i) a public industrial development board or authority (including, without limitation, the State Industrial Development Authority), city, county, or other public corporation or political subdivision (a “public entity”) for the benefit of a qualifying project where such costs are treated as costs paid by an investing company with respect to the qualifying project for federal income tax purposes (such costs shall not include amounts contributed by a public entity to a qualifying



project as a capital contribution, grant, or gift except to the extent that an investing company has cost basis in the contribution, grant, or gift for federal income tax purposes); or (ii) a related party to an investing company to the extent such costs are included in or taken into account in determining the investing company's federal income tax basis in the qualifying project, whether or not incurred by an investing company.

“Enterprise” means any industry, enterprise or business (whether or not for profit) engaged in activities deemed appropriate by the Authority including without limitation those described in Division D (Major Groups 20 through 39) and Division F (Major Group 50) of the Standard Industrial Classification Manual (1987 Edition).

“Grantee” means a county, municipality, local industrial development board or authority or economic development council or authority, airport authority, or port authority organized as a or public corporation in or political subdivision, department, or agency of this state and authorized to undertake own or possess by lease a project site projects for enterprises, to which a grant of money is made as provided in Section 3 hereof.

“Headquarters Facility” means a facility which will serve as the national, regional or state headquarters for an investing company that conducts significant business operations outside the state and will serve as the principal office of the principal operating officer of the qualifying project. For purposes of this act, the term “principal operating officer” is defined as the person with chief responsibility for the daily business operations of the qualifying project.

“Industrial, Warehousing or Research Activity” means any trade or business described in 1987 Standard Industrial Classification Major Groups 20 to 39, inclusive, 50 and 51, Industrial Group Number 737, and Industry Numbers 0724, 8731, 8733 and 8734, as set forth in the Standard Industrial Classification Manual published by the United States Government Office of Management and Budget, and includes such trades and businesses as may be hereafter reclassified in any subsequent publication of the Standard Industrial Classification Manual or other industry classification system developed in conjunction with the United States Department of Commerce, or any process or treatment facility which recycles, reclaims, or converts materials, which include solids, liquids, or gases, to a reusable product.

“Investing Company” means any corporation, partnership, limited liability company, proprietorship, trust or other business entity, regardless of form, making a qualified investment.

““Nominal transferee” as used in Section 3 hereof means any person to whom a grantee transfers one or more project sites for enterprise or any part of any thereof for less than fair market value and any person who derives title to such project sites for enterprise or any part of any thereof through such a transferee.

““Person” unless limited to a natural person by the context in which it is used includes a private firm, a private association, a public or private corporation or partnership (whether limited liability company, limited liability partnership or other form of business organization), a municipality, a county, or an agency, department ~~of~~ or instrumentality of the state or of a county or municipality.

““Preparation of project sites for enterprise” means the grading preparation of project sites for enterprise and the means of access thereto and the draining thereof to prevent the accumulation of excess natural waters thereon, including, without limitation, (i) preparation of a means of access to the site, (ii) provision for adequate drainage of the site to prevent the accumulation of excess natural waters thereon, (iii) boundary and topographical surveying, clearing and grubbing, and excavating, (iv) the reasonable rehabilitation of buildings and other structures, and (v) other work relative to site preparation the foregoing deemed necessary or appropriate.

““Project” means any land, building or other improvement, whether or not previously in existence, located or to be located in the state.

““Project Sites” means land and structures located thereon owned by a grantee or potential grantee on which a qualifying project industrial facilities have ~~has~~ been or will be constructed located and which is held for sale or lease to a person an individual, private association or private corporation (whether or not for profit) for use as an enterprise a qualifying project.

““Qualifying Investment” means the undertaking by one or more investing companies of a qualifying project.

““Qualifying Project” means a project to be sponsored or undertaken by one or more investing companies (i) at which the predominant trade or business activity conducted will constitute industrial, warehousing or research activity, or (ii) which qualifies as a headquarters facility.

““State” means the State of Alabama.

““Herein,” “hereby,” “hereunder,” “hereof,” and other equivalent words refer to this act as an entirety and not solely to the particular section or portion thereof in which any such words are used.

"The definitions set forth above shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

"Section 3. Authorization to Make Grants of Money. The Authority is hereby authorized to make grants of money derived from the sale of its bonds, to grantees for use by the grantees for any one or more of the following purposes: (1) the making of surveys to determine the location of suitable project sites for enterprise in the locality of the grantee; (2) the making of surveys to determine the availability of labor in the locality of the grantee and to classify such labor in terms of skills and educational level; (3) the preparation of project sites for enterprise; or (4) any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

"Every grant of money made by the Authority, any part of which is made from the proceeds of the Authority's bonds, shall be made subject to the following terms and conditions set forth herein, which are hereby declared to be legally enforceable, and may be enforced by the Authority, in any court of competent jurisdiction:

~~"(a) No such grant shall be in an amount greater than the total of the following stated per centums of the costs that it is anticipated will be expended for the acquisition of land and the construction and equipment of the facilities that will occupy the site for enterprise with respect to which the grant is made, as such anticipated costs shall be certified to the Authority by a registered architect or a registered engineer or by the chief executive officer of the body to which the grant is made. Six per centum (6%) of the anticipated costs for the acquisition of land and the construction and equipment of facilities that will occupy said site when such costs are \$100,000 or less; five per centum (5%) of the anticipated cost when such anticipated cost exceeds \$100,000 but does not exceed \$200,000, but in no event shall the grant be less than \$6,000; four per centum (4%) of the anticipated cost when such anticipated cost exceeds \$200,000 but does not exceed \$400,000, but in no event shall the grant be less than \$10,000; three per centum (3%) of the anticipated cost when such anticipated cost exceeds \$400,000 but does not exceed \$800,000, but in no event shall the grant be less than \$16,000; two per centum (2%) of the anticipated cost when such anticipated cost exceeds \$800,000 but does not exceed \$1,600,000, but in no event shall the grant be less than \$24,000; one per centum (1%) of the anticipated cost when such anticipated cost exceeds \$1,600,000 but does not exceed \$10,000,000, but in no event shall the grant be less than \$32,000; three quarters of one per centum (3/4%) of the anticipated cost when such anticipated cost exceeds \$10,000,000, but in no event shall the grant be less than~~

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~~\$100,000; provided, however, that the total of any grant so made shall not exceed \$150,000;~~

“Each application to the Authority shall set forth the following:

“(a) A description of the qualifying project;

“(b) The estimated capital costs of the qualifying project; and

“(c) Such other information, certification, and agreements as may be required by the Authority to be contained in any application.

“Subject to receipt of an application and other required documentation and agreements in form and substance satisfactory to the Authority, the grantee shall, subject to availability of funds, receive grants as follows:

“(i) for qualifying projects having capital costs of less than \$200,000, an amount equal to 6 percent of the capital costs of the qualifying project;

“(ii) for qualifying projects having capital costs of not less than \$200,000, but less than \$500,000, an amount equal to the greater of \$12,000 or 5 percent of the capital costs of the qualifying project;

“(iii) for qualifying projects having capital costs of not less than \$500,000 but less than \$1,000,000, an amount equal to the greater of \$25,000 or 4 percent of the capital costs of the qualifying project;

“(iv) for qualifying projects having capital costs of not less than \$1,000,000 but less than \$2,000,000, an amount equal to the greater of \$40,000 or 3 percent of the capital costs of the qualifying project;

“(v) for qualifying projects having capital costs of not less than \$2,000,000 but less than \$10,000,000, an amount equal to the greater of \$60,000 or 2 percent of the capital costs of the qualifying project, with a maximum grant of \$150,000;

“(vi) for qualifying projects having capital costs of not less than \$10,000,000, but less than \$25,000,000 an amount equal to the greater of \$150,000 or 1.5 percent of the capital costs of the qualifying project; and

“(vii) for qualifying projects having capital costs of not less than \$25,000,000, an amount equal to \$375,000.

“(b) No such grant or grants shall be made for any part of the anticipated costs of the preparation of a project site for enterprise, and if

made, shall be used, in any case where any ~~person individual, private association or private corporation~~ has received or is to receive an option to purchase the project site for enterprise with respect to which the grant is made (as distinguished from improvements to be constructed on such site which are not to become a part of the site on which such such improvements are to be constructed), or any part of any thereof, from the grantee or any nominal transferee of the grantee for less than the fair market value of such site;.

“(e) The Authority shall have power to audit the disbursements by the grantees from such grant or grants.

“(d) The Authority may specify any appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this paragraph.”

Section 2. By enactment of this act, the Legislature does hereby ratify, confirm, and approve all grants made by the State Industrial Development Authority prior to the date upon which this act becomes a law.

Section 3. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such act shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this act, which shall continue effective.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law with respect to and only with respect to grants paid by the State Industrial Development Authority to grantees on or after such date.

Yeas 34 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

-34

Nays:

- 0

## BUDGET ISOLATION RESOLUTION

Senator Mitchem requested and received permission to suspend the Rules in order to bring up the Bill, HB 751.

Senator Mitchem, B.I.R., HB 751, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Dixon, Figures, Freeman, Lindsey, Little, McClain, Mitchem, Myers, Poole, Roberts, Smith, Smitherman, Steele, Waggoner, and Windom -25

Nays:

- 0

### BILLS ON THIRD READING RESUMED

THE BILL:

**HB 751.** To amend Section 1, Act 86-564, H. 806, 1986 Regular Session, as amended, which provides further for distribution of Marshall County's share of in-lieu-of-taxes payments of the Tennessee Valley Authority, to extend the distribution to Mountain Valley Council on the Arts to September 30, 1999; and to provide for a retroactive effect.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Butler, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Roberts, Sanders, Smith, Smitherman, and Waggoner -25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Hill requested and received permission to suspend the Rules in order to bring up the Bill, HB 761.

Senator Hill, B.I.R., HB 761, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Denton, Dixon, Escott-Russell, Figures, Freeman, Hale, Hill, Langford, Lipscomb, McClain,

Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Smitherman, and Waggoner -25

Nays: - 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**HB 761.** Relating to Talladega County; to provide for the operation and management of an inmate commissary at the county jail.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Armistead, Bailey, Barron, Bedford, Butler, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Smith, Steele, Waggoner, and Windom -25

Nays: - 0

### RESOLUTION

Senator Dixon requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 167.** COMMENDING THE MONTGOMERY SOUTHEAST YMCA GIRLS' UNDER 10 SOCCER TEAM.

WHEREAS, the Alabama Legislature notes with sincere pride and pleasure the accomplishments of the Montgomery Southeast YMCA Girls' Under 10 Soccer Team, who captured the division championship; and

WHEREAS, the Jefferson-Smurfit Team, "the Smurfs," who are composed of an outstanding group of talented and determined young girls, performed flawlessly during the season, remaining undefeated and beating most opponents by significant margins; and

WHEREAS, this fabulous feat was the first for the fantastic fleet-footed federation; and it is acknowledged that the strong and vocal support of the best fans in the state played an instrumental role in the significant and spectacular successes of the stalwart squad; and

WHEREAS, the ability, effort, and discipline of the ball club was evidenced throughout the season, as the team displayed a strong, determined, and focused defense, and a potent and productive offense, testaments to the savvy management of Coach Fairley McDonald; and

WHEREAS, the members of the Smurfs are: Sara Johnson, Jennie Hackett, Alison Goodwyn, Amy Rodgers, Katie Taliaferro, Huntley Chapman, Katherine Williams, Michelle Joy, Anne Ferrell McDonald, Mallory Herman, Sarah Crosby, Molly Parker, and Jessica Seagraves, each of whom we proudly and properly declare as a champion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Montgomery Southeast YMCA Girls' Under 10 Soccer Team, the Jefferson-Smurfit Team, is highly commended on the 1996 Soccer Championship, and that a copy of this resolution be forwarded to the coach and each member of the team as an expression of our tribute and esteem.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

### **BUDGET ISOLATION RESOLUTION**

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill, HB 530.

Senator Bailey, B.I.R., HB 530, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Denton, Dial, Figures, Freeman, Hale, Hill, Lipscomb, Little, McClain, Mitchell, Mitchem, Poole, Roberts, Sanders, Smith, Waggoner, and Windom -25

Nays:

- 0

### **BILLS ON THIRD READING RESUMED**

THE BILL:

**HB 530.** To alter and rearrange certain boundary lines and corporate limits of the Town of Rehobeth, all in T2N, R26 in Houston County



to remove certain property from the corporate limits of the municipality.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Adams, Amari, Armistead, Bailey, Barron, Bedford, Clay, Denton, Dial, Dixon, Figures, Freeman, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Myers, Roberts, Sanders, Smith, Steele, Waggoner, and Windom -25

Nays:

- 0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SB 470.** Relating to DeKalb County; to provide for the election of the DeKalb County Board of Education from five single-member districts; to define the boundaries of the districts; to include within those districts all of DeKalb County except that area located within the corporate limits of the City of Fort Payne; to authorize the board to change the boundaries of the election districts; to establish procedures for making changes; and to repeal Act 426, H. 932, 1955 Regular Session (1955 Acts, p. 971).

PAT LINDSEY,  
Chairperson.

## SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and

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House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor and Secretary of State with the date and hour of delivery, to-wit:

SB 108	SB 141	SB 542	SB 157	SB 248	SB 300
SB 129	SB 260	SB 452			

Delivered to the Governor on May 8, 1997, at 12:30 P.M.

SB 611

Delivered to the Secretary of State on May 8, 1997, at 12:35 P.M.

SB 287    SB 292    SB 322    SB 344

Delivered to the Governor on May 8, 1997, at 2:02 P.M.

SB 316

Delivered to the Governor on May 8, 1997, at 2:55 P.M.

SJR 154	SJR 156	SJR 158	SJR 159	SJR 160	SJR 161
SJR 155	SJR 157				

Delivered to the Governor on May 8, 1997, at 5:20 P.M.

SB 348

Delivered to the Governor on May 8, 1997, at 5:39 P.M.

SB 470

Delivered to the Governor on May 8, 1997, at 6:29 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 6:23 P.M., on motion of Senator Freeman, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Monday, May 19, 1997, at 12 o'clock Noon.